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ABSTRACT

These hearing transcripts present testimony concerning the reauthorization of the Elementary and Secondary Education (ESE) Act, focusing on the English as a Second Language (ESL) and bilingual education provisions and implications of the act. Much of the testimony was from representatives, educators, and community leaders who voiced opinions about the efficacy of specific programs and activities funded by the Bilingual Education Act, a component of the ESE Act, particularly those items that they would like to see expanded, reformed, or improved. Testimony was heard from: (1) Representatives Toby Roth, Jose Serrano, Xavier Becerra, Bill Emerson, and Gene Green; (2) the president of the National Association for Bilingual Education; (3) a researcher in bilingual education; (4) an ESL program consultant; (5) a university professor; (6) the president of Learning English Advocates Drive; (7) an advocate of teaching English to limited English proficient (LEP) students in regular classrooms; (8) a medical doctor who attended bilingual classes as a secondary school student; (9) an advocate of reforming the Bilingual Education Act to emphasize the learning of English; (10) the Rural Alliance for Newcomers in Midwestern Schools; and (11) an advocate of English immersion programs for LEP students. (MDM)

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HEARING ON BILINGUAL EDUCATION

ED 373 564

HEARING

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, JULY 22, 1993

Serial No. 103–52

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CONTENTS

	Page
Hearing held in Washington, DC, July 22, 1993	1
Statement of:	
Escamilla, Kathy, President, National Association for Bilingual Education	57
Hakuta, Kenji, Chair, Stanford Working Group, Stanford University	72
Kile, Marcia, Program Consultant, ESL Services	81
Pena, Sylvia C., Associate Professor for Curriculum and Instruction, University of Houston	83
Peterson, Sally, President, Learning English Advocates Drive	63
Roth, Hon. Toby, a Representative in Congress from the State of Wisconsin	7
Serrano, Hon. Jose, a Representative in Congress from the State of New York	2
Prepared statements, letters, supplemental materials, et cetera:	
Becerra, Hon. Xavier, a Representative in Congress from the State of California, prepared statement of	49
Bikales, Gerda, President, E Pluribus Unum, Washington, DC, prepared statement of	103
Emerson, Hon. Bill, a Representative in Congress from the State of Missouri, prepared statement of	103
Escamilla, Kathy, President, National Association for Bilingual Education, prepared statement of	60
Feliz, Roberto, MD, Beth Israel Hospital, prepared statement of	89
Green, Hon. Gene, a Representative in Congress from the State of Texas, prepared statement of	53
Welcoming remarks to Dr. Pena by	85
Hakuta, Kenji, Chair, Stanford Working Group, Stanford University, prepared statement of	75
Kile, Marcia, Program Consultant, ESL Services, prepared statement of	82
Mujica, Mauro E., Chairman, U.S. English, Washington, DC, prepared statement of	105
Pena, Sylvia C., Associate Professor for Curriculum and Instruction, University of Houston, prepared statement of	86
Peterson, Sally, President, Learning English Advocates Drive, prepared statement of	66
Roth, Hon. Toby, a Representative in Congress from the State of Wisconsin, prepared statement of	45
Additional material submitted for the record by	9
Rural Alliance for Newcomers in Midwestern Schools, Topeka, KS, prepared statement of	108
Serrano, Hon. Jose, a Representative in Congress from the State of New York, prepared statement of	5
Tuchman, Gloria Matta, Campaign for California's Kids, Tustin, CA, prepared statement of	114

HEARING ON BILINGUAL EDUCATION

THURSDAY, JULY 22, 1993

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELEMENTARY, SECONDARY,
AND VOCATIONAL EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC.

The subcommittee met, pursuant to call, at 10:20 a.m., Room 2175, Rayburn House Office Building, Hon. Dale E. Kildee, Chairman, presiding.

Members present: Representatives Kildee, Roemer, Becerra, Green, English, Payne, Romero-Barcelo, Goodling, Gunderson, and Petri.

Staff present: Susan A. Wilhelm, subcommittee staff director; Tom Kelley, subcommittee legislative associate; Jack Jenning, education counsel, Committee on Education and Labor; Kris Gilbert, majority staff, Committee on Education and Labor; and Lynn Selmser, professional staff member and minority legislative associate.

Chairman KILDEE. The subcommittee meets this morning to continue hearings on H.R. 6, the reauthorization of the Elementary and Secondary Education Act. Today we will discuss bilingual education. Students entering school with limited proficiency in English face particularly difficult hurdles in achieving academically.

I want to remind people that the purpose of bilingual education is to help students become proficient in the use of English while using their native language for instruction so that these students do not fall behind academically and so they can achieve grade promotion and high graduation rates.

Today's hearing will focus on ways to improve bilingual education services prov ded under the Elementary and Secondary Education Act. Before introducing today's witnesses, I want to recognize my good friend, the gentleman from Pennsylvania, the Ranking Member of the full Education and Labor Committee and the Ranking Member of the subcommittee, Mr. Goodling.

Mr. GOODLING. Thank you, Mr. Chairman.

I encourage my colleagues to listen closely to all the views presented today on this important issue. Over the past 10 to 15 years.

I have had growing numbers of LEP students move into my congressional district and schools are struggling to meet their needs without any State or Federal support.

The 19th Congressional District is mostly rural. We don't have large numbers of students like some congressional districts. However, the number of students is growing and now more than ever

it is important that we have the resources to ensure that they learn English as quickly as possible in order to obtain a good education.

I would like to welcome Marcia Kile who works with the English as a Second Language program operated out of the Lincoln Intermediate Unit in Adams County in my congressional district. I look forward to today's testimony and working on the legislation which provides us with programs to assist communities in meeting the needs of their LEP students.

Thank you, Mr. Chairman.

Chairman KILDEE. Thank you very much.

Because we have two Members and have work on the floor today, we will dispense with the other opening statements and have those entered into the record.

We will turn to Mr. Jose Serrano, a Member of Congress.

STATEMENT OF HON. JOSE SERRANO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. SERRANO. Thank you, Mr. Chairman.

Mr. Chairman, I come before you as the Chairman of the Congressional Hispanic Caucus. I appreciate the opportunity to testify on the effectiveness of Federal education programs for Latinos and other language minorities.

School reform legislation that leaves out our Nation's language-minority students is not serious reform. The Census reveals that one out of seven Americans today does not speak English at home. One-third of the students in major urban districts are limited English proficient and reliable estimates place the number of limited English-proficient students at between 2.3 million and 3.5 million. This challenge confronts the entire Nation not merely the Coast and big cities.

Over the past decade, the minority student population grew by 40 percent in Pennsylvania, 68 percent in California, 45 percent in Ohio, and 72 percent in Wisconsin.

Language-minority students now comprise a third of the student population in California, 28 percent in Texas, 23 percent in New York, and 22 percent in Arizona.

Let us be clear, however. We are not here today to talk about immigration policy. We are not here today to debate language policy. We are here today to help the students in our schools. We are here to build national education policy on the basis of what works in education.

The Congressional Hispanic Caucus is planning to introduce legislation that would amend the Elementary and Secondary Education Act and ensure that every child has the opportunity to learn.

Helping Latino, Asian and other language-minority children to meet and exceed high achievement standards in all curricula areas while learning English is good for children and good for our country. Research has proven conclusively that sink-or-swim English language immersion has never succeeded in effectively educating our children.

As the National Academy of Sciences reported last year, "contrary to the widely accepted myth that earlier immigrant groups managed without special programs, most immigrant children who

entered schools were more likely to sink than swim in English-only classrooms."

In 1890, for example, just 13 percent of the 12-year-olds enrolled in New York public schools and those whose parents were foreign-born went on to high school. In other words, we were losing nearly 9 out of 10 of those students before they entered high school. For that reason, the academy noted that numerous 19th century public schools in Ohio, Louisiana, and New Mexico used German, French and Spanish for instruction.

German-English bilingual schools operated between 1880 and 1917 in Ohio, Minnesota, and Maryland. In private schools, German-English bilingual education flourished throughout the United States. Those children, like today's children, learned to speak English. The myth of instant English in which new Americans learned English as they walked down the ship's gangplank has never been true.

Study after study documents that today's immigrants are learning English at least as fast as earlier generations. But in today's world, English-only is not enough. Sink-or-swim immersion that slows learning subject matter sets language-minority children up for failure.

Children who seem to be doing well enough in kindergarten all too often find themselves sinking like lead in subsequent school years as the gap in academic achievement grows between these students and those who came to school speaking English.

It is important to understand that bilingual education is not an ideological issue. It is an educational issue. If you want children to learn, support bilingual education. If you do not want children to learn, oppose bilingual education. It is that simple.

It is the best way to teach children English in ways that allow them also to learn the math, science and other skills they need without falling behind.

The legislation planned by the Congressional Hispanic Caucus would encourage a new generation of bilingual programs, moving away from often isolated programs, to build system capacity to serve all language-minority students. It strengthens support for bilingual education by developing a national network of research, development and dissemination to help SEAs and LEAs initiate and upgrade education.

While the number of LEP students has grown, 41 percent over the past decade, only 7 percent of our Nation's teachers are trained in bilingual education. The Department of Education has estimated that there is a shortage of 175,000 bilingual teachers. That is why this legislation puts strong emphasis on developing bilingual teachers. This includes reform of teacher preparation programs for general teachers to ensure they know how to effectively work with LEP students.

The legislation also clarifies the eligibility of limited English-proficient students to participate in Chapter 1. Bilingual education is a small capacity building program based on competitive grants serving only about 11 percent of our Nation's LEP students.

Chapter 1 is a formula-based program that drives educational services to disadvantaged children throughout the Nation.

A study by the Council of Chief State School Officers found that in 12 of 31 States LEP students are receiving no Chapter 1 services. As one Department of Education study found, the educational support students get depends more on where they happen to live than on that child's education needs. Moreover, the Department of Education's prospect study and other research show that even where LEP students are receiving Chapter 1 services, the services are not structured to meet their needs.

The education a child gets should be based on that child's educational needs, not the school district the child happens to live in.

The legislation provides for fair and appropriate inclusion of LEP students in Chapter 1 with strengthened capacity-building through Title VII.

Finally, I want to emphasize that these children are a unique resource. They will help America compete in world markets and continue as world leaders. The U.S. spends millions of dollars a year to teach new languages to English speaking Americans. Ironically, through English-only classrooms, we spend millions more teaching language minorities to forget their native language as they learn to speak English.

In today's economy, English-only is not enough. As the Secretary of Labor wrote in his former life as a professor, "The Work Of Nations," "The real economic challenge facing the United States in the years ahead is to increase the potential value of what its citizens can add to the global economy by enhancing their skills and capacities and by improving their means of linking those skills and capacities to the world market."

Yesterday American small business largely ignored international opportunities. Today small firms are leading the way in developing American exports. These opportunities pay. Average wages in export-related industries are 17 percent higher than average manufacturing wages.

NAFTA, GATT and other proposed free trade agreements would make these language and international skills even more important.

This is a frontier of opportunity, Mr. Chairman. This ESEA reauthorization offers us the chance to begin cashing in on the untapped resource of language minorities in the United States.

Kindergarten-level Chinese doesn't do much when you need to negotiate a multi-million dollar contract. Bilingual education can help meet this challenge. For example, two-way bilingual programs develop high levels of proficiency in both English and a second language for all students. This can help America turn international challenges into international opportunities for all Americans.

Mr. Chairman, I believe that languages open opportunities. American students bring all the world languages to our classrooms. While every child must gain command of English—the Caucus supports every child's right and determination to gain full command of English and build achievement in math, science and the rest of the core curriculum. It simply makes sense to develop rather than dismantle this uniquely American resource.

I urge that the Congressional Hispanic Caucus legislation be included in the reauthorization of the Elementary and Secondary Education Act. I look forward, Mr. Chairman, to working closely with you, the Members of the committee, and the administration

to ensure that quality education and opportunities are ensured for every student.

Thank you.

Chairman KILDEE. Thank you very much, Mr. Serrano.

[The prepared statement of Hon. Jose E. Serrano follows:]

STATENMENT OF HON. JOSÉ E. SERRANO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

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This challenge confronts the entire Nation, not merely the Coast and big cities. Over the past decade, the language minority student population grew by 40 percent in Pennsylvania, 68 percent in California, 45 percent in Ohio, and 72 percent in Wisconsin. Language-minority students now comprise a third of the student population in California, 28 percent in Texas, 23 percent in New York, and 22 percent in Arizona.

Let's be clear. We are **not** here today to talk about immigration policy. We are **not** here today to debate language policy. We are here today to help the students in our schools. We are here to build national education policy on the basis of what works in education.

The Congressional Hispanic Caucus is planning to introduce legislation that would amend the Elementary and Secondary Education Act and ensure that every child has the opportunity to learn. Helping Latino, Asian and other language-minority children to meet and exceed high achievement standards in all curricula areas while learning English is good for kids and good for America.

Research has proven conclusively that sink-or-swim English language immersion has never succeeded in effectively educating our children. As the *National Academy of Sciences* reported last year, "Contrary to the widely accepted myth that earlier immigrant groups managed without special programs, most immigrant children who entered schools were more likely to sink than swim in English-only classrooms. In 1890, for example, just 13 percent of the 12-year-olds enrolled in New York public schools and whose parents were foreign-born went on to high school." In other words, we were losing nearly **9 out of 10** of those students **before** they entered high school.

For that very reason, the Academy noted that numerous 19th century public schools in Ohio, Louisiana, and New Mexico, used German, French and Spanish for instruction. German-English bilingual schools operated between 1880 and 1917 in Ohio, Minnesota, and Maryland. In private schools, German-English bilingual education flourished throughout the United States. Those children, like today's children, learned English.

The myth of "instant English" in which new Americans learned English as they walked down the ship's gangplank has never been true. Study after study documents that today's immigrants are learning English at least as fast as earlier generations.

But in today's world, English-only is not enough. Sink-or-swim immersion that slows learning subject matter sets language-minority children up for failure. Children who seem to be doing well enough in kindergarten all too often find themselves sinking like lead in subsequent school years as the gap in academic achievement grows between these students and those who came to school speaking English.

It is important to understand that bilingual education is **not** an ideological issue. It is an educational issue. If you do **not** want kids to learn, oppose bilingual education. It's that simple. It is the best way to teach kids English in ways that allow them also to learn the math, science, and other skills they need without falling behind.

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The legislation also clarifies the eligibility of limited-English proficient students to participate in Chapter 1. Bilingual education is a small capacity building program based on competitive grants, serving only about 11 percent of our Nation's LEP students; Chapter 1 is a formula-based program that drives educational services to disadvantaged children throughout the Nation. A study by the Council of Chief State School Officers found that in 12 of 31 States, LEP students are receiving **no** Chapter 1 services. As one Department of Education study found, the educational support students get depends more on where they happen to live than on that child's education needs. Moreover, the Department of Education's "Prospects" study and other research show that even where LEP students are receiving Chapter 1 services, the services are not structured to meet their needs.

The education a child gets should be based on that child's educational needs—not the school district the child happens to live in. The legislation provides for fair and appropriate inclusion of LEP students in Chapter 1, with strengthened capacity-building through Title VII.

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This is a frontier of opportunity. This ESEA reauthorization offers us the chance to begin cashing in on the untapped resource of language minorities in the U.S. Kindergarten-level Chinese doesn't do much when you need to negotiate a multimillion dollar contract. Bilingual education can help meet this challenge. For example, "2-way" bilingual programs develop high levels of proficiency in both English and a second language for all students. This can help America turn international challenges into international opportunities for all Americans.

Mr. Chairman, I believe that languages open opportunities. America's students bring all the world languages to our classrooms. While every child must gain command of English and build achievement in math, science, and the rest of the core curriculum, it simply makes sense to develop rather than dismantle this uniquely American resource.

I urge that the Congressional Hispanic Caucus legislation be included in the reauthorization of the Elementary and Secondary Education Act.

I look forward to continuing to work closely with Chairman Kildee, the Members, and the administration to ensure that quality education opportunities are ensured for every student.

Chairman KILDEE. One observation. Many years ago—I have not traveled since I have been in Congress, but many years ago, I took a year off from my teaching duties and traveled around the world in 1980 some countries and discovered that the United States is probably the most monolingual country in the world as far as our ability to deal with the rest of the world.

I lived a year in Pakistan and my assistant there in Pakistan spoke three languages fluently, English very fluently, Pushtu, which is the language of the Pathans in the Khyber Pass, and Urdu or Sindhi, and his ability to serve himself and serve his coun-

try was greatly enhanced by the fact that he was more than just monolingual.

So I do think there is a great deal to be said for individuals being bilingual and retaining their ability to speak more than one language.

Mr. SERRANO. This is probably a horrible example, but it is one that makes the point. During the 1960s era of spaghetti westerns, the French Italian and Spanish actors did their own dubbing in three languages. The American actors had to have other actors dub their voices in other languages. You have never heard what Charles Bronson can sound like dubbed in Spanish.

It takes away the meanness of the approach.

Chairman KILDEE. It would be a terrible educational failure and social failure for students not to become proficient in English, but to be able to speak another language is good for them and good for our country also.

Our next witness is Congressman Roth my good friend from the neighboring State of Wisconsin.

STATEMENT OF HON. TOBY ROTH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. ROTH. Thank you, Mr. Chairman, and we are good friends, as I hope I am of all the Members of this committee.

I am delighted to be here today. The reason I got interested in this issue is because I am concerned with what is happening to America culturally. As I see America, we are people from every corner of the globe, from every linguistic and cultural background, but we are all Americans. Why? Because we have a wonderful commonality called the English language and I feel we are losing that today.

I do feel that we want our children to be proficient in foreign languages, you bet. All of my children either took foreign languages or are taking foreign languages in school, but that is different from the issue before us of bilingual education. In bilingual education, I feel that many times these young people grow up and are not proficient in any language, and I am here today to speak for these children and their parents, Mr. Chairman and Members. Someone has to say what these children and their parents know to be true, that without English, these young people are doomed to a second-class future.

English is the language of opportunity in America. Do these programs continue because parents support them? No. These programs continue despite parental opposition.

One of the most moving statements on this subject was made by Ernesto Ortiz, a foreman on a south Texas ranch, who said: "My children learn Spanish in school so they can grow up to be bus boys and waiters. I teach them English at home so they can grow up to be doctors and lawyers."

Thomas Sowell, in his book "Inside American Education," cited numerous surveys providing that a great majority of Hispanic parents—more than three-fourths of Mexican-American parents and more than four-fifths of Cuban-American parents—are opposed to teaching Spanish in school at the expense of English.

These feelings from Hispanic parents are understandable and laudable. Consider the plight of a non-English speaker in America. Newspaper want-ads offering jobs are meaningless. Writing an effective resume is even more difficult. The most tragic aspect of failed bilingual education programs is that they relegate these pupils to second-class economic status.

Right now I suspect there are more supporters of bilingual education in this hearing room than there are in the rest of the country combined.

President Reagan reminded us that Washington, DC is the home of the iron triangle. That triangle is composed of three parts: the lobbyists who make their living from an issue; the bureaucrats who also make a living from an issue; and the sympathetic members of the news media. The bilingual education programs Congress wants to renew today are being pushed by the very same iron triangle of which the American people tell us they are so sick and tired.

The time has come to admit that transitional bilingual education does not work. The evidence has been in for some time. Transitional bilingual education is a dismal failure at what Congress specifically asked it to accomplish; that is, to teach English.

Even advocates of bilingual programs have been forced to admit that these programs do not work. Thomas Carter and Roberto Segura in their book, "Mexican-Americans in School: A Decade of Change," confess that governmental financial support for bilingual education will diminish rapidly as it becomes increasingly clear to legislators that the goals of improved Chicano academic achievement are not met.

That was said in 1979. Most people don't know that Congress mandated bilingual education nationally in 1974, with little evidence of its success. This was the Red Queen in Alice and Wonderland: Sentence first, verdict afterwards. Today the search for proof that these programs actually help immigrant children learn English continues without success.

The most thorough study in this area was released in 1986 by Christine Rossell and Michael Ross. Rossell and Ross reviewed every study they could find on the subject from the 1960s to 1984. Their aim was to find if bilingual education actually helps students learn English.

As they bluntly point out, "Not a single study has found transitional bilingual education to be superior to structured immersion."

I ask that the complete study appear in the record at this point.

Chairman KILDEE. Without objection, it certainly will be included in the committee file.

[The information follows:]

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The Social Science Evidence on Bilingual Education

CHRISTINE H. ROSSELL*
J. MICHAEL ROSS**

Introduction

After a decade of rapid growth in federally funded bilingual education—the current budget exceeds $200 million of which $143 million goes to Title VII alone—questions are increasingly being asked about its purpose, its effectiveness, and its future. This paper addresses these issues by, first, describing the role of social science research evidence in the development of federal and court policy on bilingual education; second, by assessing the research evidence on policy alternatives for educating children who do not speak English; and third, by making some policy recommendations to improve the educational achievement of linguistic minorities.[5] This paper builds on and is indebted to earlier reviews of the literature, but offers a different interpretation of the research than most. Furthermore, unlike a traditional review of the research, we have tried to offer an explanation for the disparate findings of the research rather than simply a "headcount." We believe this is particularly necessary for controversial social programs where the tendency of critics is to argue that "nothing works" when research findings contradict each other.

There are two characteristics of the research and writing on bilingual education which stand out. The first is that much of it consists of local evaluations with inadequate research designs. These local evaluators are usually unable to assemble a "control" group; that is, students similar to those receiving bilingual education in every way except that they are not in a bilingual education program. Thus, these evaluators typically examine gains in educational achievement before and after the bilingual education program for students enrolled in it without ever comparing these gains to what might have been achieved if they had not been in the program (i.e., the control group's gain). To their credit, many of the evaluators forced to use this model understand they can draw no policy conclusions from it. Unfortunately, many do not and numerous reviewers have compounded the error by uncritically citing these and

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P 385-419

Journal of Law & Education
Fall 1986 V.15

other flawed studies as support for transitional bilingual education as the policy alternative that will produce the greatest English language achievement.

The second characteristic of the research is that, as is common with controversial social programs with egalitarian goals, the evaluators and those who review and integrate the research, are also passionate advocates of bilingual education for political or ideological reasons. The disgraceful treatment of linguistic minorities in this country—the mislabeling of limited English proficiency (LEP) children as mentally retarded, their high dropout or pushout rate because they have been allowed to flounder in an alien, hostile environment, or actually punished for using their mother tongue—may have influenced many social scientists, bilingual education lawyers, and reviewers of the research to believe that any policy which ignores the mother tongue in favor of English is racist, and any policy which maintains the mother tongue, however inadequately, is equitable. This has created an atmosphere in which it is difficult for an academic to criticize current policy in this field. It has also created an atmosphere in which it is all too easy to interpret flawed studies as support for bilingual education and to reject or ignore competent, relevant studies with conflicting findings.

We believe that the education of linguistic minorities in this country is too important to be dominated by one viewpoint and that other interpretations of the research ought to be part of the discussion of policy alternatives. Hence, this paper will offer our interpretation of what the social science research has to say with regard to the education of linguistic minorities and the influence this research has had on the courts and federal policy.

Our discussion is centered on analyzing a program whose avowed goal is to "transition" non-English speaking students from their native tongue to English and to produce the highest English language achievement of which that student is capable. We are quite aware that is a politically-influenced goal which may not be a particularly desirable one. Indeed, if the issue were a purely pedagogical one, we would probably be discussing how best to bolster the linguistic advantage of speakers of other languages instead of how to transition them from potential bilingualism into assured monolingualism. But the supporters of transitional bilingual education have not disputed the goal of the program and thus our task is to evaluate whether it achieves that goal. In our conclusions we discuss other goals such as bilingual maintenance, which we view as at least as desirable as the goal of transitioning students from native tongue monolingualism to English language monolingualism.

Language Exclusion and Equal Educational Opportunity

As an abstract principle, equal educational opportunity is highly valued, but in practice there appears to be no consensus as to what it is. Yudoff cites three definitions: 1) every child must have equal access to schooling resources (equal

dollars or equal facilities and services) unless a compelling state interest has been demonstrated to the contrary; 2) all public school students, regardless of race or ethnic origin, must be treated in a nondiscriminatory manner; and 3) inequalities among individuals in the effectiveness of resources and the outcomes of schooling must be compensated for by the state.[1] With regard to linguistic minorities, the plaintiffs have often been able to persuade the courts that equal educational opportunity is the third, and most stringent, of these definitions: equal achievement.

Lau v. *Nichols*[2] is not the first bilingual education case, but it is thought to have changed the direction of bilingual education policy in the United States. In this decision, the Supreme Court reversed two lower courts on the basis of Title VII of the Civil Rights Act of 1964. The Court held that any school district accepting federal aid must affirmatively overcome the English language deficiencies of students with limited English-speaking ability, but that no specific remedy was required under the statute.[3] This had the effect of validating the Office for Civil Rights' (OCR) 1970 memorandum interpreting Title VII as encompassing the denial of equal educational opportunity to language minority children and requiring school districts to file compliance plans with OCR. No social science evidence was introduced in *Lau* and thus the Court may have been ignorant of any controversy over second language learning.

The Office for Civil Rights subsequently assembled an educational task force to recommend policy alternatives for complying with the *Lau* decision. Three basic instructional alternatives were identified, in addition to doing nothing for the language minority child (submersion).[4] The first instructional technique is English as a Second Language (ESL) instruction for one or two periods a day and participation in the regular classroom for the rest of the day. ESL is a pull-out program usually based on a special curriculum, but the instructors do not have to know the child's native language.

The second policy alternative identified was structured immersion where instruction is in the language being learned (L2), but the teacher knows the student's native tongue (L1). The second language used in these programs is always geared to the children's language proficiency at each stage so that it is comprehensible. The native tongue is used only in the rare instances when the student cannot complete a task without it. The student thus learns the second language and subject matter content simultaneously. Immersion programs in

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1. Yudoff, *Equal Educational Opportunity and the Courts*, 50 Tex. L. Rev. 481 (1971).
2. Lau v. Nichols, 414 U.S. 563 (1974).
3. *Id.* at 570-71.
4. Office for Civil Rights, Task Force Findings Specifying Remedies Available for Elimination of Past Educational Practices Under Lau v. Nichols, (1975) [Hereinafter cited as Lau Remedies], reprinted in K. Baker & A. de Kanter eds. Bilingual Educ., Appendix B (1983); *See also* Baker & de Kanter, *Federal policy and the effectiveness of bilingual education*, in Bilingual Educ. (K. Baker & A. de Kanter eds. 1983), 34-75 [Hereinafter cited as Baker & de Kanter, *Federal Policy*]

which the second language is not the dominant language of the country typically include at least thirty to sixty minutes a day of native tongue language arts. In fact, most of the Canadian "immersion" programs become bilingual programs after the first grade.

The third and most widely implemented policy alternative identified was transitional bilingual education (TBE). According to Young, *et al.*,[5] at least forty percent of all LEP children are now in TBE programs, and only twenty-six percent are in English instruction classrooms. The other thirty-four percent are divided among bilingual maintenance, Spanish instruction, and ESL classes. By contrast, Okada, *et al.*,[6] found *no* projects which reported English only as a literacy goal for LEP students. Hence, TBE is clearly the dominant special language instructional program in the United States.

In transitional bilingual education, the student is taught both in his native tongue and the language being learned, with subject matter taught in the native tongue. The amount of instructional time in the native tongue is reduced, and English increased, until the student is proficient enough in English to join the regular instructional program. The majority of elementary school programs are three year programs. The rationale underlying TBE differs depending on the age of the child. For very young children, it is learning to read in the native tongue first which is a necessary condition for optimal reading ability in the second language. For all children it is argued that learning a second language takes time and children should not lose ground in other subject matters, particularly math, during that time period.

The OCR task force recommendations, known as the *Lau* remedies,[7] went well beyond the court's requirement that school districts do something for LEP children. The task force specified the content of these programs and how they should be designed and implemented. They insisted that transitional bilingual education was the best, if not the only, instructional approach for providing equal educational opportunity to linguistic minorities.[8] Without ever holding a public discussion of this assumption, OCR negotiated plans for bilingual education with over five hundred individual school districts between 1975 and 1980. School districts which did not wish to provide TBE had to prove that their alternative was equally effective, even though OCR had never proven that TBE was effective.

Even before *Lau*, however, plaintiffs were seeking bilingual education as a

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5. M. Young, et al., The Descriptive Phase Report of the National Longitudinal Evaluation of the Effectiveness of Services for Language Minority/Limited-English-Proficient Students (1984) (Development Assoc., Inc., Arlington, Va.).

6. M. Okada, et al., Synthesis of Reported Evaluation and Research Evidence on the Effect of Bilingual Education Basic Projects (1983) (National Center for Bilingual Educ., Los Alamitos, Cal.).

7. Lau Remedies, *supra* note 4.

8. *Id.*

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remedy for alleged fourteenth amendment violations. One of the earliest of these court cases was *Serna v. Portales Municipal Schools*.[9] Evidence on the differential IQ test scores of Hispanic and white children in the Portales school system was admitted into trial, although by itself such evidence constitutes no proof of intentional discrimination. The plaintiffs argued for an expansion of the bilingual program, but did not show that the cause of the lower IQs of the Hispanic children was the failure to provide bilingual education. Indeed, what little evidence there was suggested the opposite since the only school with a bilingual education program had the lowest test scores in the district! The court's response was to order an expansion of that program and the introduction of new programs in the other schools.[10]

In *Otero v. Mesa County Valley School District No. 51*,[11] the plaintiffs went even further in demanding a bilingual maintenance program as a remedy for the low achievement of Hispanic students. After listening to the expert testimony, the court concluded educational theory was not an exact science and that if the differences between educators were compared to psychiatrists, the latter were almost of a single mind.[12] Nevertheless, it was persuaded by the analysis of language dominance conducted by the defendants' linguistic expert. This analysis showed that less than three percent of the Mexican-American students had any knowledge of Spanish.[13] The court rejected the plaintiffs' survey which found a large number of homes in which Spanish was spoken, and was persuaded by the defendants that the most likely explanatory variable for the slightly lower English language test scores of Hispanic students, compared to Anglos, was the lower socioeconomic level of the students.[14]

Given the evidence presented, both sides jumped to unwarranted conclusions. One cannot decide on the basis of tests showing little or no knowledge of Spanish that the students had no language problem. This simply demonstrates instruction in Spanish is not the remedy. We know from innumerable research studies that one's home environment is one of the most important influences on academic achievement. Therefore, students who hear English at home will usually have an academic advantage in the English language over students who hear Spanish at home, all other things being equal.[15]

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9. Serna v. Portales Mun. Schs., 351 F. Supp. 1279 (D.C.N.M. 1972), *aff'd* 499 F.2d 1147 (10th Cir. 1974).

10. 351 F. Supp. at 1283, 499 F.2d at 1150.

11. Otero v. Mesa Co. Sch. Dist., 408 F. Supp. 162 (D.C. Colo. 1975).

12. *Id.* at 164.

13. *Id.* at 165.

14. *Id.* at 166.

15. *See* J. Carroll, The Foreign Language Attainments of Language Majors in the Senior Year: A Survey Conducted in U.S. Colleges and Universities (1967) (Harvard University, Cambridge, Mass.); A. So & K. Chan, What Matters? A Study of the Relative Impact of Language Background and Socioeconomic Status on Reading Achievement (1982) (National Center for Bilingual Research, Los Alamitos, Cal.); E. De Avila, Relative Language Proficiency: A Cou-

This is only further compounded by the fact that the former tend to be of higher socioeconomic status than the latter. These relationships could have been tested by a statistical analysis, but none of the experts in this case did so.

As indicated above, because of federal funding and community demand, most bilingual education programs have been instituted without litigation since *Lau*. In *Aspira of N.Y., Inc. v. Board of Education of the City of N.Y.*,[16] the plaintiffs were making a less radical argument than was made in *Otero*. They argued that all Spanish surnamed students should be allowed to take the language assessment battery (L.A.B.) in Spanish, as well as in English, and be assigned to the bilingual program only if the student scored higher in Spanish than in English. The experts introduced no statistical analysis of language abilities as in the previous case, and the court concluded that the most vivid point to emerge from all the argumentation was the enormous amount of speculation and uncertainty. Nevertheless, a consent decree specified a bilingual education program for children who scored higher in Spanish than in English.[17]

In *Guadalupe Organization Inc. v. Tempe Elementary School District No. 3*,[18] the Ninth Circuit Court of Appeals summarily dismissed the case against the Tempe Elementary School District which had been accused of not providing non-English speaking students with bilingual-bicultural education. The grounds for dismissal were that the existing educational programs dealt with the problem of teaching English to non-English speaking children and that the equal protection clause imposed no duty on districts to provide bilingual-bicultural education staffed with bilingual instructors.[19]

At the same time, the legal authority of the *Lau* remedies was being challenged by a school district in Alaska ordered by OCR to pay for the development of a written Eskimo language so that Eskimo children could receive bilingual instruction in reading. The school district argued in *Northwest Arctic v. Califano*,[20] that since the *Lau* remedies were neither a law nor a regulation, they were unenforceable. This case was settled out of court when OCR agreed to publish a Notice of Proposed Rulemaking for Title VI *Lau* remedies. The proposed regulations required that transitional bilingual education be used to meet the needs of all language minority children. As part of the regulatory review, the Department of Education under the Carter Administration undertook an extensive review of bilingual education research to determine the

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PATTERN OF PREVALENCE, ACHIEVEMENT LEVEL, AND SOCIOECONOMIC STATUS (1980) (Report submitted to the Rand Corporation); Rosenthal, Baker & Ginsburg, *The effect of language background on achievement level and learning among elementary school students*, 56 SOC. OF EDUC. 157 (1983).

16. Aspira v. Board of Educ. of N.Y., 394 F. Supp. 1161 (S.D.N.Y. 1975).

17. *Id.* at 1166.

18. Guadalupe v. Tempe Elem. Sch. Dist., 587 F.2d 1022 (9th Cir. 1978).

19. *Id.* at 1026.

20. Northwest Arctic Sch. Dist. v. Califano, No. A077-216 (D. Alaska, Sept. 29, 1978).

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eligible population[21] and the research evidence supporting TBE. After reviewing the research,[22] the Department of Education under the Reagan administration then withdrew their proposed regulations and dropped the *Lau* remedies on the grounds that there was no research justification for mandating transitional bilingual education.

Nevertheless, since TBE has been adopted in thousands of school districts around the country, many "second generation" bilingual education problems are now being litigated. In *Rios v. Read*,[23] and *Cintron v. Brentwood*,[24] the plaintiffs argued that the achievement gap between Spanish surnamed and English monolingual students had widened because, in the former case, students had been transferred out of the bilingual program too early, and in the latter case, were kept in it too long. Several educational experts testified in both cases, although only in *Rios* was any systematic social science research presented. Richard N. Faust of Columbia University filed an affidavit for the plaintiffs containing a statistical analysis of the achievement of Hispanic students who had been in the bilingual program. The analysis demonstrated that these children were behind in achievement compared with their Hispanic counterparts who had not been in the program.[25]

The defendants tried to counter this by showing significant gains in the reading achievement of Hispanic students. When it was pointed out to them during cross-examination that their Hispanic group included children who had not been in the bilingual program, they then changed their position to one of opposition to bilingual education and in support of ESL classes instead. George Bereday, a professor of Comparative Education at Columbia University, testified for the defendants. He argued that the experience of ethnic minorities in other countries indicates that only total immersion in the second language results in the mother tongue becoming subordinate and the second language becoming dominant, or competitive, with those in the highest social strata.[26]

Courtney Cazden of the Harvard Graduate School of Education also testified in *Rios*. In that case and in *U.S. v. Texas*,[27] she supported transitional bilingual education, despite the fact that in personal communication with the first author she admitted there was no research rationale for it. Her testimony was, instead, based on what she argued was "common sense" and "court precedent."[28]

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21. Barnes, *The Size of the Eligible Language Minority Population in* Bilingual Education (K. Baker & A. de Kanter eds. 1983).

22. K. Baker & A. de Kanter, Effectiveness of Bilingual Education: A Review of the Literature (1981) (U.S. Dep't of Educ., Washington, D.C.) [Hereinafter cited as Baker & de Kanter, Review].

23. Rios v. Read, 73 F.R.D. 589 (E.D.N.Y. 1977).

24. Cintron v. Brentwood Union Free Sch. Dist., 455 F. Supp. 57 (E.D.N.Y. 1978).

25. Rios v. Read, *supra* note 23.

26. G. Bereday, Personal Communication with First Author (April 8, 1980).

27. United States v. Texas Educ. Agency, 508 F. Supp. 405 (E.D. Tex. 1981).

28. C. Cazden, Personal Communication with First Author (March 31, 1980) [Hereinafter cited as Cazden]

In sharp contrast to other cases, the court concluded in *U.S. v. Texas* that the trial record clearly supported the "substantial and unique benefits of bilingual instruction for overcoming learning problems."[29] The fact that the defendants did not dispute this, and indeed had such a transitional bilingual education program in the early grades, was sufficient for the judge to rule that they had violated section 1703(b) of the Equal Educational Opportunity Act of 1974, as well as the equal protection clause of the fourteenth amendment. The ruling implied that by providing TBE to some students, the defendants were admitting they believed in its efficacy. By not providing it to all students in the same category, they were thus violating the rights of those other students.[30] Had they offered a coherent educational theory for this, or an alternative program supported by the research evidence, the defendants would have fulfilled their constitutional obligation. Accordingly, the court ordered a program of bilingual instruction to be provided to all LEP Mexican-American children in all Texas public schools, despite the fact that only one school district had been a party to the case.[31]

The Fifth Circuit reversed this decision noting in passing that in enacting section 1703, Congress did not specify that a state must provide a program of "bilingual education" to all limited English speaking students, but rather intended that state and local educational authorities have a substantial amount of discretion in choosing programs and techniques they would use.[32] The reversal was based, however, not on the lack of research supporting TBE, but on the fact that the lower court's decision was moot. The Texas Bilingual and Special Language Program Act of 1981 had mandated bilingual education in school districts with twenty or more LEP students in the same grade, and authorized the Texas Educational Agency to adopt standardized entry-exit criteria and take measures to insure compliance.[33]

The Fifth Circuit's decision was predicated on its affirmation of the lower court in *Cassaneda v. Pickard*[34] which had found for the defendants. The plaintiffs in this case had argued that Hispanic children in the Raymondville School District were still achieving below their higher socioeconomic status Anglo classmates because the district's transitional bilingual education program in grades K-3 overemphasized the development of reading and writing skills in English to the detriment of education in other areas such as math and science. The district's bilingual education manual, however, indicated that students in the Spanish language dominant classrooms spent almost exactly the

29. United States v. Texas Educ. Agency, *supra* note 27 at 439.
30. *Id.* at 434.
31. *Id.* at 439.
32. United States v. Texas Educ. Agency, 680 F.2d 356 (5th Cir. 1982).
33. *Id.* at 372.
34. Cassaneda v. Pickard, 648 F.2d 989 (5th Cir. 1981).

same amount of classroom time on math, science, and social studies as those in the English dominant classrooms. The court noted, however, that the time LEP children spend learning English will, of necessity, take time away from other subjects if they go to school for the same number of hours.[35] No one pointed out that the time children in bilingual education programs spend perfecting their native tongue will also take time away from other subjects, including English. As in *U.S. v. Texas*, the court also remarked that the most troublesome aspect of the defendants' bilingual education program was their failure to prepare their teachers.[36] Very simply, a school district with a bilingual education program is obligated to staff it with bilingual teachers, unless they have a sound educational reason for not doing so.

The plaintiffs argued that the defendants' program would only be deemed adequate when the lower socioeconomic status Hispanic students had the same achievement level as the higher socioeconomic status English proficient students. They thus demanded of the school district something no one has ever attained—the elimination of class disparities in achievement. The court did not dispute this as a standard, but felt it was premature.[37]

In 1984, when the transitional bilingual education program had failed to eliminate the achievement gap between Hispanic and English monolingual students, the plaintiffs again filed a trial brief.[38] This time they argued that the continuing English language achievement differential was a function of the fact that not all teachers in the bilingual education program were bilingual and that content areas were taught in English. They further argued that since Hispanic children were disproportionately represented in lower ability groups, the school district was confusing their language problems with their intellectual ability.

These two court cases and the most recent, *Keyes v. School District No. 1*,[39] are characterized by the *mutual* belief on the part of both the plaintiffs and the defendants that transitional bilingual education is the best way to deal with the English language achievement problems of LEP students. Although the defendants in *Keyes* noted in their post-trial brief that the Indochinese students, almost none of whom received TBE or had bilingual teachers, had half the drop-out rate of the Hispanic students for whom there were TBE programs and bilingual teachers,[40] they did not conclude that TBE may not be a pedagogically sound practice for the obvious reason that they were providing it to so many students. Thus, school districts which provide TBE and bilingual teachers to some, but not to all, eligible students are in an indefensible position. The

35. *Id.* at 1011.
36. *Id.* at 1012; United States v. Texas Educ. Agency, *supra* note 27.
37. Castaneda v. Pickard, *supra* note 34 at 1014.
38. Plaintiffs' Trial Brief on Remand, Castaneda v. Pickard, C.A. No. 76-B-24, Jan. 30, 1984.
39. Keyes v. School Dist. No. 1, 576 F. Supp. 1503 (1983).
40. Post-trial brief for defendant at 40, *Keyes*, *supra* note 39.

common argument, made also in *Keyes*, that it is simply too expensive to give to all children and that at least some services, even if only tutoring, are offered to all LEP children,[41] does not seem to satisfy most judges.

As in *Castaneda*, most disturbing to the court was that almost half the bilingual classrooms did not have bilingual teachers, and that many bilingual teachers were in monolingual English classrooms or in central administration.[42] Furthermore, there was no written examination to test the language ability of bilingual teachers and none to test either the eligibility of LEP students for entrance into, or exit from, special services. As is typical of school districts with bilingual education programs, no one charts the progress of students once they leave the program, and no services whatsoever are offered to *Lau* C children—those who are bilingual, but below the district mean in English language achievement.[43]

The court again affirmed that a good faith effort was insufficient to avoid a determination of violation under section 1703. A school district actually had to produce results implying, as in *Castaneda*, that this would entail equal achievement between the predominantly lower class language minority children and the higher class English monolingual children.[44]

Rather than appealing this decision, the defendants entered into an agreement with the plaintiffs in August 1984 to set up a systematic program for locating LEP students and providing *Lau* A and B students with a bilingual education.[45] Students are required to be monitored for a year after "graduating" from the program and if they score below the twenty-fifth percentile or five percentile points less than their previous year's score *in English*, a committee would consider sending them back to the bilingual program where they would be taught partly in their native tongue again.

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41. *Id.* at 12-13.

42. Memorandum Opinion and Order on Language Issues at 22, *Keyes*, *supra* note 39. [Hereinafter cited as *Keyes* Opinion]

43. The *Lau* Remedies placed the eligible population of students to be considered for Title VI compliance into the following categories:

A. Monolingual speaker of the language other than English (speaks the language other than English exclusively).

B. Predominantly speaks the language other than English (speaks mostly the language other than English, but speaks some English).

C. Bilingual (speaks both the language other than English and English with equal ease).

Category A and B students were eligible for TBE or bilingual/bicultural education at the elementary level and TBE, ESL, or High Intensive Language Training (i.e., structured immersion) at the secondary level. Category C students who were below the district mean in achievement were eligible for the compensatory education provided to all low achieving students. School districts need do nothing additional for those category C students at or above grade level.

44. *Keyes* Opinion, *supra* note 42 at 25-26.

45. Hertling, *Judge Approves an Extensive Bilingual Education Plan in Denver*, Educ. Week, Aug. 29, 1984, at 5, col. 1, 5. *See also* *supra* note 43 for definition of categories.

The Social Science Research Evidence

What does the research on bilingual education tell us about whether transitional bilingual education is a superior educational program for dealing with the English language problems of LEP children? Unfortunately, millions of dollars have been spent on evaluations of bilingual education programs which cannot answer this, and many other, important policy questions.

In order to determine whether a bilingual education program is successful, the research must have a "treatment" group subjected to the program and a "control" or comparison group, similar to the treatment group, which has not received that program. If students have not been randomly assigned to these two groups—those in the program and those not in the program—differences between the groups which existed prior to the program must be tested by means of an appropriate statistical analysis to determine if the differences are greater than could have been expected by chance. Unfortunately, many evaluators do not seem to understand how critical these elements are to an assessment of program success.

Those with no control group at all often rely on an invalid model designed by the U.S. Office of Evaluation called the A-1 Evaluation Design. This model determines whether gains in achievement for students in bilingual education are significantly greater than would be predicted by comparing them to test scores derived from a national monolingual English-speaking sample.[46]

We believe that the most thorough and intelligent review of the research to date is Baker and de Kanter[47] and Baker and Pelavin.[48] Unlike most other reviews of the research, they have taken the time to examine the details of each study and to assess each against the standards of the scientific model. Baker and de Kanter concluded that schools *can* improve the achievement level of language-minority children through special programs, but that the case for the effectiveness of transitional bilingual education is so weak that exclusive reliance on this instructional method is clearly not justified. This review has, of course, been subjected to much criticism as typically occurs when one departs from the conventional wisdom.[49]

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46. *See* K. Baker & S. Pelavin, Problems in Bilingual Education Evaluation (1984) (Paper presented at annual meeting of American Educational Research Association, New Orleans, La.); Okada, *supra* note 6.

47. Baker & de Kanter, Review, *supra* note 22; Baker & de Kanter, *Federal Policy*, *supra* note 4; Baker & de Kanter, *An Answer from Research on Bilingual Education*, 19 Am. Educ. 40 (1983); Baker & de Kanter, *Response to evaluation and recommendations: The AIR Report and ESEA Title VII*, 6 Educ. Eval. & Pol. Anal. 189 (1984).

48. Baker & Pelavin, *supra* note 46.

49. The Baker and de Kanter review has been subjected to several critiques [S. Seidman, Political Expedience or Educational Research: An Analysis of Baker and De Kanter's Review of the Literature on Bilingual Education (1981) (National Clearinghouse for Bilingual Education, Rosslyn, Va.); Willig, *The Effectiveness of Bilingual Education: Review of a Report*, 6 Nabe J. 1 (1981-82); E.

If we only consider the studies which assess alternative second language programs and are of good methodological quality[50] —characterized by random assignment to a treatment and control group, or statistical control for pre-treatment differences between groups where random assignment is not possible—there is still, some three years after Baker and de Kanter,[51] no consistent

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Hernandez-Chavez, et al., The Federal Policy Towards Language and Education, Pendulum or Progress? A Response to the DeKanter/Baker Review (1982) (Cal. State Univ., Sacramento, Cal.); J. Yates, et al., Baker DeKanter Review: Inappropriate Conclusions on the Efficacy of Bilingual Education (Dec., 1982) (University of Texas, Austin, Tex.)]. The kindest thing that can be said of the Hernandez-Chavez, *et al.*, critique is that the document they describe bears no resemblance to the one we read. The main argument of the Seidner critique is that because bilingual education programs vary so much, anyone who attempts to draw negative policy conclusions from the program evaluations is a charlatan. In short, social programs are non-falsifiable. In addition, Seidner criticizes Baker and de Kanter's "selective" analysis of statistics from the studies they reviewed, and their failure to draw the same conclusions as the authors of the studies when the data demonstrated otherwise. We disagree with Seidner's criteria for good social science research, and believe that something can be learned from analyzing programs even when they inevitably vary from site to site, as long as one understands the logic of the processes involved. Nor do we find Baker and de Kanter's use of "selected" statistics unfair to the authors of the studies they are analyzing. A person whose data contradicts their conclusions should be held accountable. [*See* R. Rossell & M. Wooster, Hysteria with Footnotes (1984), for a counterattack on Seidner.] Another critique by Yates, *et al.*, is characterized by inaccurate criticisms of the studies Baker and de Kanter felt were relatively methodologically sound. For example, they state that Carmel and Curtis [ESEA Title VII Bilingual Program: Final Report (1980) (Austin Independent School District, Austin, Tex.)] had no bilingual or Spanish dominant students in the control group when in fact the control group was half bilingual or Spanish dominant; that in Matthews [An Investigation of the Effects of Background Characteristics and Special Language Service on the Reading Achievement and English Fluency of Bilingual Students (1979) (Office of Instructional Program Evaluation, Seattle Public Schools, Seattle, Wash.)] students with the lowest fluency were assigned to treatment groups when in fact only fifty percent of those in the treatment group were in the lowest fluency; that Lum [An effectiveness study of English as a second language (ESL) and Chinese bilingual methods (1971) (Unpublished doctoral dissertation at the University of California, Berkeley, Cal.)] had no random assignment when in fact several groups were randomly assigned; and that Matthews had no control for socioeconomic status when in fact the multiple regression analysis specifically controlled for that [Yates, *et al.*, at 7, 10]. There are many more inaccuracies, but since Yates, *et al.*, attacked all the studies including those showing TBE to be superior to submersion, the net effect, as with the Seidner critique, is to unintentionally support Baker and de Kanter's conclusion—there is no research support for TBE. It should be noted, by the way, that Baker and de Kanter did not claim that the studies they relied on were perfect, only that they were good enough to draw policy conclusions from. There is no such thing as a perfect social science research study; some are just better than others. The most thoughtful critique of Baker and de Kanter is Willig's. Although she characterizes Baker and de Kanter's conclusions inaccurately and criticizes them for failing to conduct a meta-analysis (see note 53 for a rebuttal), she does raise some important questions with regard to systematic biases in the program which make it difficult to evaluate. However, this still does not negate Baker and de Kanter's main conclusion that there is no evidence to support TBE.

50. The initial list of studies on bilingual education was obtained from a search of ERIC documents, the Boston University, MIT, and Boston Public Library card catalogues, Language and Language Behavior Abstracts, and the bibliographies of other reviews of the literature. The studies actually reviewed were those that could be obtained from 1) ERIC; 2) University Microfilms International; 3) the journal and book holdings of Boston University, MIT, and the Boston Public Library; 4) the National Clearinghouse on Bilingual Education; 5) the Center for Applied Linguistics; or 6) the Department of Education. This is a fugitive literature, and not all studies are documented, nor could all documented studies be obtained.

51. Baker & de Kanter, Review, *supra* note 22.

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Table 1

Effects* of TBE in L2 and Math Compared to Other Instructional Techniques

	SECOND LANGUAGE	MATH
TBE v. Submersion		
Positive	Carsrud & Curtis, 1980; Kaufman, 1968; Covey, 1973; Legaretta, 1979; McConnell, 1980; Plante, 1976; Zirkel, 1972; Campeau, et al., 1975 (N = 8)	Cohen, 1975a (N = 1)
No Difference	Campeau, et al., 1975; Carsrud & Curtis, 1980; Cohen, 1975a; Cottrell, 1971; Huzar, 1973; Kaufman, 1968; Legaretta, 1979; Matthews, 1979; McSpadden, 1979; McSpadden, 1980; Plante, 1976; Stebbens et al., 1977; Skoczylas, 1972; Zirkel, 1972 (N = 14)	Danoff, et al., 1977, 1978; Carsrud & Curtis 1980; Cohen, 1975a; McSpadden, 1979; Covey 1973; McSpadden, 1980; Moore & Parr, 1978; Stebbins, et al., 1977 (N = 10)**
Negative (TBE)	Danoff, et al., 1977, 1978; McSpadden, 1980; Moore and Parr, 1978; Stern, 1975; Cohen, Fathman, & Merino, 1976 (N = 6)***	McSpadden, 1980; Skoczylas, 1972 Stern 1975; Cohen, Fathman, & Merino, 1976 (N = 4)
TBE v. ESL		
Positive (TBE)	(N = 0)	Ames & Bicks, 1978 (N = 1)
No Difference	Ames & Bicks, 1978; Balasubramonium, et al., 1973; Lum, 197; (N = 3)	(N = 0)

Table 1

Effects* of TBE in L2 and Math Compared to Other Instructional Techniques

	SECOND LANGUAGE	MATH
Negative (TBE)	Lum, 1971 (N = 1)	(N = 0)
TBE v. Immersion		
Positive (TBE)	(N = 0)	(N = 0)
No Difference	Ramos et al., 1967 (N = 1)	Ramos et al., 1967; Barik & Swain, 1975 (N = 2)
Negative (TBE)	Pena-Hughes & Solis, 1980; Bruck, Lambert & Tucker, 1977; Barik, Swain & Nwanunobi, 1977; Gersten, 1985; Genesee, Lambert, & Tucker, 1977; Barik & Swain, 1978 (N = 6)	Gersten, 1985 (N = 1)
Immersion v. ESL		
Positive (Immersion)	Lambert & Tucker, 1972; Barik & Swain, 1975; Becker and Gersten, 1982 (N = 3)	(N = 0)

*Studies are listed in more than one category if there were different effects for different grades or cohorts.
**If the AIR sample is counted as 38 separate studies, N = 48.
***If the AIR sample is counted as 38 separate studies, N = 44.

research support for transitional bilingual education as a superior instructional practice for improving the English language achievement of limited-English-proficient children.

Table 1 shows the effect of transitional bilingual education compared to 1) "submersion," i.e., doing nothing, 2) ESL, and 3) structured immersion, on second laguage (usually English) learning and mathematics as demonstrated by thirty-four studies meeting the above criteria. These studies are listed in Appendix 1. Those not in the table are excluded because they did not assess alternative

second language learning programs[52] or they did not meet the methodological criteria. The latter are listed in Appendix 2.

Since most transitional bilingual education programs in this country are in grades one through three, if learning to read first in your native tongue facilitates reading in the second language as its advocates claim, then TBE should be consistently superior, and never inferior, to doing nothing in second language achievement. If learning content areas in your native tongue while you are learning a second language means that you do not lose ground in those areas as do those who immediately start learning them in "a language they do not understand," students in TBE should always be superior, and never inferior, in mathematics to those in submersion.

In fact as Table 1 indicates,[53] in second language learning twenty-nine percent of the studies show transitional bilingual education to be superior, twenty-one percent show it to be inferior, and fifty percent show it to be no different from submersion—doing nothing. Altogether, seventy-one percent show TBE to be no different or worse than the supposedly discredited submersion technique.[54] In math, seven percent of the studies show TBE to be superior, twenty-seven percent show it to be inferior, and sixty-seven percent show it to be no

52. Many of the Canadian studies are not in Table 1 because although methodologically sound, they were interested in a different comparison than we are. They often compared students in their second language learning programs not to students in other types of programs, but to native speakers of each language. These studies are cited in the text where relevant, but are not included in the assessment of alternative second language learning programs.

53. We use the "vote-counting method" criticized by methodologists to evaluate the literature's findings rather than the recommended meta-analysis (i.e., statistical analysis of the effects of bilingual education across all studies) because there is too little programmatic data available in the bilingual education reports to estimate a common outcome measure. Almost all the attempts at meta-analysis of this subject that we are aware of have failed for this reason (*see* Okada, *supra* note 6). The one apparent exception is Willig, *A Meta-Analysis of Selected Studies on the Effectiveness of Bilingual Education*, 55 Rev. of Educ. Res. 269 (1985) which purports to be a reanalysis of Baker & de Kanter, *supra* note 5. However, a group of experts in meta-analysis at Harvard University's Graduate School of Education, headed by Richard Light, had already attempted to do such an analysis of the Baker & de Kanter sample in 1983 and reported that it was impossible to calculate a common measure of effect given the lack of data in the studies. Willig was apparently able to do so by analyzing only thirteen of the thirty-nine acceptable studies of transitional bilingual education in Baker & de Kanter and by treating all effect sizes in every study equally so that one study (A. Cohen, A Sociolinguistic Approach to Bilingual Education, (1975)) with only ninety children in it produces thirty-eight percent of the outcomes analyzed. She also excluded all studies conducted outside the United States and thus had only one study of structured immersion—the Peno-Hughes study, which found it to be superior to transitional bilingual education—which she classified as "bilingual" education. Certainly, the voting method is sufficient to assess whether there is consistent support for TBE.

54. This is slightly more negative than Baker and de Kanter's conclusion that thirty-three percent of the studies found TBE to be superior, seventeen percent found it to be inferior, and fifty percent found it to be no different from submersion. Altogether, sixty-seven percent of their studies found TBE to be no different than or worse than submersion (Baker & de Kanter, Review, *supra* note 22 at 14). Since Baker and de Kanter do not identify which studies are placed in each category in their table, we cannot explain why our conclusions differ slightly. The most likely explanation, of course, is that it is a function of our slightly different sample of studies.

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different from TBE. Altogether ninety-three percent of the studies show it to be no different or worse than the supposedly discredited submersion technique in developing math proficiency.[55]

It is often contended by the plaintiffs in court cases that the issue is learning *in* a language, not learning a language. For this we have three rebuttal arguments. First, the proponents of TBE claimed that it was superior in both. These data do not show it to be superior in either learning a language, or learning *in* a language—in this case, math. Second, with regard to learning other subjects such as geography, social studies, and history (on which there is very little information), we think none of these subjects are more important than English and math. Students will be tested in these two areas for the rest of their lives and all kinds of placement decisions made on their scores in these two subject matters alone. Of what value is it to be at grade level in geography or social studies, if one's English and math scores are poor? Third, these math findings suggest an important problem: subject matter is taught in L1, but the student is tested on his or her understanding of that subject in *English*. It is possible that for many students the difficulty of having to translate what was learned in another language may be great enough that the subject matter lost in the translation may equal or surpass what is lost in submersion before L2 is mastered enough to understand subject content.

Because the AIR study is a national survey of 8,900 students in thirty-eight Title VII projects, it should be given more weight than the others which are of single school districts and student samples of between twenty-five and three hundred. The AIR study found TBE to be inferior to submersion in second language learning, and no different in math learning.[56]

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55. This is also slightly more negative than Baker and de Kanter. They concluded that fourteen percent of the studies found TBE to be superior, twenty-one percent found it to be inferior, and sixty-four percent of the studies found TBE to be no different from submersion. Altogether, eighty-five percent of these studies found TBE to be no different from or worse than submersion (Baker & de Kanter, Review, *supra* note 22 at 44).

56. Since there is no such thing as a perfect social science research study, all studies can be criticized on methodological grounds for political reasons. Accordingly, the AIR study has been subjected to a barrage of criticism by advocates of TBE, and beneficiaries of the federal support for it [*see* T. Gray, Response to An Study "Evaluation of the Impact of ESEA Title VII Spanish/English Bilingual Education Program" (1977) (Center for Applied Linguistics, Arlington, Va.); Nickel, *Experimentation, Extrapolation, Exaggeration: The Name is Research*, 61 Phi Delta Kappan (1979) 260; M. O'Malley, A Re-Examination of the Evaluation of the Impact of ESEA Title VII Spanish-English Bilingual Education Programs (1979) (National Institute of Education, Washington, D.C.)] who continue to create the impression that its findings have been rendered invalid. The study, however, while not perfect, is good enough to draw policy conclusions from regarding TBE as currently implemented. [*See* Berke, Evaluation and Incrementalism: The Air Report and ESEA Title VII (April, 1981) (Paper presented at annual meeting of American Educational Research Association, New Orleans, La.) for a discussion of its influence on Congress and the executive branch.] A United States Office of Education sponsored review by a highly respected independent evaluation expert with no particular axe to grind concluded that the AIR conclusions were valid [P. Rossi, Comments on Title VII evaluation (1979) (University of Massachusetts, Amherst, Mass.)]

Although many so-called submersion situations probably have an English-as-a-Second-Language (ESL) program where the students are pulled out of the regular classroom and taught English for one or two periods a day, it is generally not specified in the evaluations. Thus, many of the studies classified above as submersion may in fact be ESL. In four studies, transitional bilingual education is compared to ESL specifically, with submersion in content areas. Three of them show no difference between transitional bilingual education and ESL in second language learning, and the only study to look at math shows TBE to be superior.

Baker and de Kanter[57] were not the first to discover that the emperor has no clothes. Engle's 1975 review, Epstein's 1977 review and Rotberg's 1982 review also concluded there was no research support for transitional bilingual education.[58] How then to conclude, as so many have in and out of court,[59] that transitional bilingual education is superior? One technique, used by Zappert and Cruz, is to simply redefine the word. As they argue:

> No significant difference should not be interpreted as a negative finding for bilingual education. . . . When one adds the fact that students in bilingual education classrooms learn two languages, their native language and a second language, one can conclude that a statistically non-significant finding demonstrates the positive advantages of bilingual education.[60]

The main argument made for transitional bilingual education in the court decisions and the regulations, however, is that it produces *greater* English language achievement and content area mastery than doing nothing, not the same achievement. Doing nothing is assumed to be a fourteenth amendment violation that transitional bilingual education will *remedy*, rather than having no effect on.

Another technique used in research reviews to make transitional bilingual education appear to be superior is to include superior performance in Spanish language arts as one of the research findings demonstrating its superiority. Zappert and Cruz also do this. Again, while we agree this is important, it is not the goal of government policy nor the stated object of the court decisions. If we examine the findings of the twelve studies reviewed by Zappert and Cruz for

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57. Baker & de Kanter, Review, *supra* note 22.

58. Engle, *Language Medium in Early School Years for Minority Language Groups*, 45 Rev. of Educ. Res. 283 (1975); N. Epstein, Language, Ethnicity and the Schools: Policy Alternatives for Bilingual-Bicultural Education (1977) (Institute for Educational Leadership, Washington, D.C.); Rotberg, Some Legal and Research Considerations in Establishing Federal Policy in Bilingual Education, 52 Harv. Educ. Rev. 149 (1982).

59. *See, for example*, Dulay & Burt, *Bilingual Education: A Close Look at Its Effects*, 1 NCBE Focus 1 (1979); Troike, *Research Evidence for the Effectiveness of Bilingual Education*, 3 Nabe J. 13 (1978); L. Zappert & B. Cruz, Bilingual Education: An Appraisal of Empirical Research (1977) (Berkeley Unified School District, Berkeley, Cal.) [Hereinafter cited as Zappert & Cruz].

60. Zappert & Cruz, *supra* note 59 at 8, 9a.

their effect on *English* language achievement, sixty-three percent of the findings show no difference between transitional bilingual education and doing nothing.[61]

There are similar problems with many of the research evaluations. A study by Leyba[62] of Santa Fe, New Mexico, exemplifies this. It begins by criticizing the AIR national study[63] because it failed to study their "successful" program and concludes that, contrary to the findings of AIR, Title VII bilingual education students in Santa Fe "showed over time increasing capability in English language skills, [and]...in the majority of cases outperformed the non-Title VII students in Reading and Mathematics."[64] The study could be rejected simply because it failed to control for the lower achievement before the program of several comparison groups of non-Title VII students. Even if we accept the study despite that, the data presented in the report show virtually no difference after four and five years of bilingual education between those students in the program and similar students not in the program, contrary to the author's conclusions.[65]

How can this be so if students learn to read better in a second language after learning to read in their native tongue? The most common answer offered by the plaintiffs in the court cases is that the programs are "badly implemented." We would like to offer another explanation. We think that the advocates of bilingual education may have made an unwarranted inferential leap from two undisputed findings of the research on second language learning. 1) children can transfer skills learned in one language to another language,[66] and 2) older

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61 *Id.*

62 C. Leyba, Longitudinal Study Title VII Bilingual Program Santa Fe Public Schools, Santa Fe, New Mexico (1978) (California State University, Los Angeles, Cal.)

63 M. Danoff, et al., Evaluation of the Impact of ESEA Title VII Spanish/English Bilingual Education Program (1977) (American Institutes for Research, Palo Alto, Cal.); M. Danoff, et al., Evaluation of the Impact of ESEA Title VII Spanish/English Bilingual Education Program, Vol. III: Year Two Impact Data (1978) (American Institutes for Research, Palo Alto, Cal.)

64 Leyba, *supra* note 62.

65 S. Powers & M. Rossman (Evidence of the Impact of Bilingual Education: A Meta-Analysis (March, 1983) (Paper presented at the annual Arizona Bilingual Education Conference, Tucson, Ariz.)) did a statistical analysis of the effects found in Leyba's study (*supra* note 62) because they also were perplexed as to how he could call the program successful when only twenty-one percent of his comparisons of the students in bilingual education with those not in bilingual education yielded statistically significant results. Their analysis, which also had no control for pre-treatment group differences, found no effect for reading, but one for math. Since the students in bilingual education showed a large pre-treatment advantage in math, the positive post-treatment effect would have disappeared if they had controlled for the pre-treatment advantage. It should be noted that the credibility of Seubert (*supra* note 49) is further undermined by the fact that he singles out Baker and de Kanter's rejection of the Leyba study on methodological grounds as evidence of their "political agenda" and suggests they rejected it only because the study is "critical" of AIR (Seubert, *supra* note 49 at 174).

66 W. Lambert & G. Tucker, Bilingual Education of Children: The St. Lambert Experience (1972); Barik & Swain, *Three Year Evaluation of a Large Scale Early Grade French Immersion Program: The Ottawa Study*, 25 Lang. Learning 1 (1975) [Hereinafter cited as Barik & Swain, *Ottawa Study*]; Bruck, Lambert & Tucker, *Cognitive Consequences of Bilingual Schooling: The St. Lambert Project Through Grade Six*, Linguistics (Jan. 24, 1977) at 13.

children are more "efficient" (i.e., faster) learners of languages (contrary to popular belief).[67] Hence, when researchers observed that older learners who already knew how to read in their native tongue were acquiring a second language faster than younger learners, they erroneously argued that the causal variable was native tongue reading ability rather than age.[68]

In fact, however, as Engle concluded in 1975, there is absolutely no evidence that students can learn a second language *better* if they learn to read in their native tongue first.[69] Indeed, the Canadian experiments in immersion and bilingual education show just the opposite. The later immersion English-Canadian students who had first learned to read in English were ultimately surpassed in French, when compared to the French native speakers, by the early immersion students who had first learned to read in French.[70] After reviewing the Canadian research, Swain concluded:

> The introduction of reading in the second language in early French immersion programs prior to the introduction of reading in the native language appears to foster rapid transfer of reading skills. The teaching of English reading followed by the introduction of French reading appears to have negative effects on reading in both French and English.[71]

While Swain was discussing native English speakers learning French, we know of no educational theory that would suggest this process is cognitively different for non-English speakers learning English. Indeed, in the United

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67. Asubel, *Adults versus Children in Second Language Learning*, 48 Mod. Lang. J. 420 (1964); Taylor, *Toward a Theory of Language Acquisition*, 24 Lang. Learning 23 (1974); Ervin-Tripp, *Is Second Language Learning Like the First?*, 8 TESOL Q. 111 (1974); H. Stern, C. Burstall & B. Harley, French From Age Eight or Eleven? (1975) (Ontario Ministry of Education, Toronto, Ont.); L.H. Eckstrand, Age and Length of Residence as Variables Related to the Adjustments of Migrant Children With Special Reference to Second Language Learning (1975) (Paper presented at the Association Internationale de Linguistique Appliquee Congress, Stuttgart); Ramirez & Politzer, *Comprehension and Production in English as a Second Language by Elementary School Children and Adolescents*, in Second Language Acquisition: A Book of Readings (E.M. Hatch ed. 1978); Swain, *Time and Timing in Bilingual Education*, 31 Lang. Learning 1 (1981).

68. *See, for example*, Rosier & Farella, *Bilingual Education at Rock Point: Some Early Results*, 10 TESOL Q. 379 (1976); P. Rosier & W. Holm, The Rock Point Experience: A Longitudinal Study of a Navajo School Program (saad naaki bee na'nitin) (1980) (Center for Applied Linguistics, Arlington, Va.); T. Skutnabb-Kangas & I. Toukomaa, Teaching Migrant Children's Mother Tongue and Learning the Language of the Host Country in the Context of the Socio-Cultural Situation of the Migrant Family (1976) (UNESCO, New York).

69. Engle, *supra* note 58.

70. Swain, *French Immersion Programs Across Canada: Research Findings*, 31 Mod. Lang. Rev. 117 (1974) [Hereinafter cited as Swain, *Research Findings*]; Swain, *Bilingual Education for the English-speaking Canadian*, in Georgetown University Round Table on Language and Linguistics (J.E. Alatis ed. 1978); Cziko, *The Effects of Language Sequencing on the Development of Bilingual Reading Skills*, 32 Can. Mod. Lang. Rev. 534 (1976); Stern, *Bilingual Schooling and Foreign Language Education: Some Implications of Canadian Experiments in French Immersion*, in Georgetown University Round Table on Language and Linguistics (J.E. Alatis ed. 1978) [Hereinafter cited as Stern, *Bilingual Schooling, Implications*].

71. Swain, *Research Findings*, *supra* note 70 at 127.

States, Cohen, *et al.*, whose earlier evaluation is often cited as evidence of the superiority of bilingual education, concluded after the six year evaluation of the same Redwood City, California, six year program where lower class Hispanic students were taught bilingually:

> These findings suggests that reading taught bilingually may not facilitate reading in English, that instead, children who learn to read first and exclusively in English appear to do better in English reading over time.[72]

Hence, despite the fact that Swain was talking about learning French in an English dominant country, and Cohen, *et al.*, were talking about learning English in an English dominant country, they both came to the same conclusion after reviewing a large body of research on their respective programs. The highest level of proficiency in a second language is attained by learning to read first in that language.

Virtually every analyst of second language learning has agreed that the length of time spent in language study is, all other things being equal, far and away the single greatest predictor of achievement in that language.[73] The Ottawa immersion experiments are particularly instructive because they have tried a whole range of time provisions from small daily amounts to larger daily amounts of forty, sixty, ninety and one hundred fifty minutes to a full school day of three hundred minutes of French immersion. The studies have shown that the language achievement of these different groups of students increases as the time increases.[74]

Rarely, however, is any of the vast body of research and theory on second language learning introduced into the bilingual education cases. The bilingual education advocates have effectively limited the focus of the testimony to compensatory education issues.

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72. A. Cohen, A. Fathman & B. Mercer, The Redwood City Bilingual Education Project, 1971-74: Spanish and English Proficiency, Mathematics and Language Use Over Time (1976) (Ontario Institute for Studies in Education, Toronto, Ont.).

73. Carroll, *supra* note 15; Stern, Burstall & Harley, *supra* note 67; Stern, *The Ottawa Carleton French Project: Issues, Conclusions and Policy Implications*, 33 Can. Mod. Lang. Rev. 216 (1976); Edwards & Smyth, *Alternatives to Early Immersion Programs for the Acquisition of French as a Second Language*, 32 Can. Mod. Lang. Rev. 24 (1976); Genesee, *Individual Differences in Second Language Learning*, 34 Can. Mod. Lang. Rev. 490 (1978); Halpern, *An Evaluation of French Learning Alternatives*, 33 Can. Mod. Lang. Rev. 162 (1976); Stern, *Bilingual Education, Implications*, *supra* note 70; S. Izzo, Second Language Learning: A Review of Related Studies (1981) (National Clearinghouse of Bilingual Education, Rosslyn, Va.); T. Gray, et al., Foreign Language Learning in the Elementary Schools: A Comparison of Three Language Programs (June, 1984) (Paper presented at the annual meeting of the American Educational Research Association, New Orleans, La.).

74. H. Stern, M. Swain, L. McLean, R. Friedman, B. Harley & S. Laprin, Three Approaches to Teaching French: Evaluation and Overview of Studies Related to Federally Funded Extension of the Second Language Learning (French) Programs in the Carleton and Ottawa School Boards (1976) (Ontario Ministry of Educ., Toronto, Ont.).

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TBE v. Structured Immersion

As Table 1 indicates, no study has found transitional bilingual education to be superior to structured immersion and the only one to show no difference between the two in second language learning was conducted seventeen years ago in the Philippines.[75] This study and Barik and Swain[76] also showed no difference in math. All studies comparing bilingual education to structured immersion since then have found the latter to produce greater achievement in the second language than the former.[77] All of the studies conducted in Canada of immersion and bilingual education (partial French immersion) have shown that the middle class and working class English speaking students who were immersed in French in kindergarten and grade one were almost the equal of native speaking French students until the curriculum became bilingual in grade two, at which point their French ability declined and continued to decline as English was increased.

Most bilingual education analysts do not see the applicability of these studies to the United States. First, they argue that the studies are not relevant to the United States immigrant experience because the immersion and bilingual education students are middle class. In fact, however, the experiments were conducted with working class children and produced the same or better results.[78] The "time on task" principle—that is, the amount of time spent learning a subject—is the greatest predictor of achievement in that subject—holds across classes. This is not unexpected since we know of no educational theory that would suggest lower class children need to spend less time learning a subject than middle and upper class children. Yet, this unexamined assumption underlies all court decisions ordering bilingual education within the constraints of the normal school day.

A second argument made to dismiss the Canadian French immersion experi-

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75 M. Ramos, J. Aguila & B. Sibayan, The Determination and Implementation of Language Policy (1967).

76 Barik & Swain, *Ottawa Study*, *supra* note 66.

77 Bruck, Lambert & Tucker, *supra* note 66; H. Barik & M. Swain, Evaluation of a Bilingual Education Program in Canada (1978) (Commission Interuniversitaire Suisse de Linguistique Appliquee, Switzerland); F. Genesee, W. Lambert & G. Tucker, An Experiment in Trilingual Education (1977) (McGill Univ., Montreal); Barik, Swain & Nwamuneb, *English-French Bilingual Education: The Elgin Study Through Grade Five*, 33 Can. Mod. Lang. Rev. 459 (1977); E. Pena-Hughes & J. Solis, ABCs (1980) (McAllen Independent School District, McAllen, Tex.); Gersten, *Structured Immersion for Language Minority Students: Results of a Longitudinal Evaluation*, 7 Educ. Eval. & Pol. Anal. 187 (1985).

78 Tucker, Lambert & d'Anglejan, *French Immersion Programs. A Pilot Investigation*, 23 Lang. Sci. 19 (1973); Bruck, Jakimik & Tucker, *Are French Immersion Programs Suitable for Working-Class Children? A Follow-up Investigation*, 27 Word 311 (1971); G. Czaja, The Effects of Different French Immersion Programs on the Language and Academic Skills of Children from Various Socioeconomic Backgrounds (1975) (Unpublished M.A. thesis at McGill University); Genesee, *The Suitability of Immersion Programs for all Children*, 32 Can. Mod. Lang. Rev. 494 (1976).

79-562 O - 94 - 2

ments as applicable to the United States is that the Canadian students were self-selected and their mother tongue was the dominant language of the country. The fact that the students were self-selected means that they were probably better language learners than other students, all other things being equal. Self-selected English language students taught bilingually after grade one were sometimes, but not always, the equal of the English controls because they heard English at home and in the rest of the non-school environment. Superior language learners hearing a language most of the time could sometimes, although not always,[79] equal other students hearing it all of the time. Once the curriculum became bilingual, these students were never, however, the equal of the French native speakers or of those English language students immersed completely in French. In the United States, a student's native tongue would be a minority language in an English language country. Immigrant children in the United States would hear both their native tongue and English in the non-school and school environment. They would thus hear more of the language being learned than the bilingual education students in Canada, but still not as much as non-bilingual education students. Since the bilingual education students are *not* self-selected eager language learners, we would expect the net effect to be similar to what was observed in Canada. Thus, contrary to many interpretations of the Canadian experiments,[80] we would argue that they suggest immersion is at least as necessary for American conditions, rather than less, *if* the goal is to achieve the highest level of English proficiency that limited English-proficient students are capable of within the constraints of the normal school day.

Thus, one of the most glaring deficiencies in the bilingual education court decisions is the failure of the courts to consider such promising alternatives to transitional bilingual education. The bilingual education advocates have limited the debate since *Lau* so that the controversy in any court case is over the violation. Once a violation is determined, typically only one remedy is considered desirable. The question then is the extent to which a school district has the resources to implement fully a transitional bilingual education program. Rarely, if ever, is structured immersion discussed as a viable alternative because the bilingual education advocates have effectively dismissed the Canadian experiments and prevented all but a few structured immersion experiments in this country.

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79. Popp, *The English Competence of French Speaking Students in a Bilingual Setting*, 32 CAN. MOD. LANG. REV. 365 (1976).

80. Tucker, *Implications for U.S. Bilingual Education: Evidence from Canadian Research*, 2 NCBE FOCUS 1 (1980) (National Clearinghouse for Bilingual Education, Washington, D.C.); Swain, *Bilingual Education for Majority and Minority Language Children*, 35 STUDIA LINGUISTICA 15 (1981); Hernandez-Chavez, *The Inadequacy of English Immersion Education as an Educational Approach for Language Minority Students in the United States*, in STUDIES ON IMMERSION EDUCATION (1984) (California Department of Education, Sacramento, Cal.).

"Time on Task" and TBE

If time on task—the amount of time spent learning a subject—is such a good predictor of achievement, particularly for low achieving students,[81] then transitional bilingual education should always be inferior to submersion, or doing nothing, because the latter allows the student to sit in the regular classroom and hear English all day. This is not the case. Many methodologically sound research studies show TBE to be no different from submersion, and some even show it to be superior.

One possible explanation for this lies in the nature of the time spent in an English language environment in each alternative. Since much of the learning in a submersion situation is, at least initially, not *effective* learning because the students do not understand what is going on, a bilingual program which gives the children half of their education in English, but structures the English so that it is understandable may provide more effective time in the English language in the beginning than a program which is completely in English, but only a small part of it is comprehensible. As English becomes more understandable over time, the greater time spent on English in the submersion situation would give these children an advantage[82] if the bilingual program were still truly bilingual. Transitional bilingual education programs, however, usually reduce the native tongue and increase English over time, so that at the end of three years students in both the submersion situation and bilingual education may end up with the same amount of effective learning time in the English language. This may be one reason for a common finding of the research—no significant difference between doing nothing and transitional bilingual education.

Another possible explanation for the frequent lack of harm, and sometime benefit, of transitional bilingual education is that the program has important psychological effects which compensate for the reduced English language learning time. That is to say, if students in submersion programs often feel alienated or inferior, and if a special program regardless of its educational utility makes school more enjoyable, then they may come to school more often and stay longer. If in the submersion situation, they were taught one hundred percent in English, but only came to school seventy-five percent of the time and

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81. Wiley, *Another Hour, Another Day: Quantity of Schooling, a Potent Path for Society*, in SCHOOLING AND ACHIEVEMENT IN AMERICAN SOCIETY (W. Sewell, R. Hauser & D. Featherman eds. 1976); Rosenshine, *Content, Time and Direct Instruction*, in RESEARCH AND TEACHING: CONCEPTS, FINDINGS AND IMPLICATIONS (P. Peterson & H. Walberg eds. 1979); K. CLAUSET & A. GAYNOR, CLOSING THE LEARNING GAP: EFFECTIVE SCHOOLING FOR INITIALLY LOW ACHIEVERS (1980) (Boston University, Boston, Mass.).

82. *See also* Krashen, *The Input Hypothesis*, in GEORGETOWN UNIVERSITY ROUND TABLE ON LANGUAGE AND LINGUISTICS (J. Alatis ed. 1980); Long, *Input, Interaction and Second Language Acquisition*, in ANNALS OF THE NEW YORK ACADEMY OF SCIENCE (1981) (New York Academy of Science, New York); M. SWAIN, COMMUNICATIVE COMPETENCE: SOME ROLES OF COMPREHENSIBLE INPUT AND COMPREHENSIBLE OUTPUT IN ITS DEVELOPMENT (Nov., 1983) (Paper presented at the Second Language Research Forum, University of California, Los Angeles, Cal.).

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only half of that was comprehensible in the first year, they will have less effective English language learning time for that year than if they had been in a bilingual program which taught them fifty percent in comprehensible English, but motivated them to come to school eighty-five percent of the time.

Structural changes in the normal school day or year may also compensate for reduced English language learning time in transitional bilingual education. Some transitional bilingual education programs reduce the pupil-teacher ratio and the time spent on non-academic subjects to produce greater academic English language learning time even though half the program is taught in another language. One program studied by McConnell[83] had the migrant children not only going to school year round, but being taught on the bus while en route to their various seasonal locations. Thus, the children were more than compensated for the daily reduction in English language learning time by the extended school year. Of course, an important policy question is how much greater would the effect on English language achievement have been if this had been a structured immersion program taught one hundred percent of the time in comprehensible English? Another important policy question which we return to in the conclusion of this paper is why "transition" them at all if one can make structural changes that produce both high English language achievement and understanding of another language?

Another possible explanation for the frequent lack of harm and sometime benefit of TBE is that the TBE programs which are equal to or superior to submersion are actually more nearly structured immersion programs. Fillmore,[84] for example, examined different kinds of bilingual education classes and found that the teacher who was most successful in raising the English language achievement of her Chinese students provided a structured learning environment in which the students were continually pushed and not allowed to go at their own pace, but instruction was almost entirely in English. Both she and Courtney Cazden[85] call this bilingual education, but we would argue that a curriculum taught ninety percent in English is much closer to the structured immersion model than to the bilingual education model.

Similarly, the Austin Independent School District program[86] is cited by Baker and de Kanter[87] as a study which showed TBE to be no different from, or

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83. B. McConnell, Effectiveness of Individual Bilingual Instruction for Migrant Students (1980) (Unpublished doctoral thesis, Washington State University); McConnell, *Evaluating Bilingual Education Using a Time Series Design*, in Applications of Time Series Analysis to Evaluation (G. Forehand ed. 1982).

84. Fillmore, *Learning a Second Language: Chinese Children in the American Classroom*, in Georgetown University Round Table on Language and Linguistics (J. Alatis ed. 1980).

85. Cazden, *supra* note 28.

86. Carsrud & Curtis, *supra* note 49.

87. Baker & de Kanter, Review, *supra* note 22; Baker & de Kanter, *Federal Policy*, *supra* note 4.

superior to, submersion. Yet, the teachers in this program used English as the medium of instruction eighty-two percent of the time. Legaretta and Arocena and Curtis report English was used seventy-five percent of the time in the TBE classes studied.[88] Not surprisingly, Arocena and Curtis also found the class with twice as much formal instruction had the highest achievement.

Tickunoff's[89] descriptive study of successful bilingual instruction (fifty-eight teachers from six nationally representative sites) identified the following characteristics of successful programs: 1) eighty percent of time allocated to academic learning tasks, 2) LI used by teachers primarily to clarify instructions, and 3) content areas such as math and social studies taught in *English*. While Tickunoff does not say so, these are the characteristics of structured immersion, not of bilingual education.

Many teachers and administrators do not "cheat," however, and they teach the program as its advocates assume—bilingually for as long as possible within the constraints of a normal school day and school year, and the normal curriculum which includes non-academic subjects. These may be the programs in which TBE students are shown to be inferior in achievement to students in regular classrooms. Given the constraints imposed by the adversary system, very little of the subtleties of this research and the logic of second language learning have been reflected in the court testimony and decisions. It is rare for a court to consider the effect of limiting English language learning time for instruction in two languages or conversely to consider expanding the school day or week or year in order to increase English language learning time.

Bilingual Teachers

One issue of importance in the bilingual education court cases is the school district's provision of bilingual teachers for bilingual education programs. Although the plaintiffs have been successful in arguing on a "common sense" basis that bilingual teachers are necessary for teaching limited-English-proficient students, the empirical research does not support this. Two studies of the achievement gains of limited-English-proficient children taught by bilingual and monolingual teachers[90] found no difference between the two. Similarly, the

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88. Legaretta, *Language Choice in Bilingual Classrooms*, 11 TESOL Q. 9 (1977); M. Arocena & J. Curtis, Same Bilingual Project, Different Gains: What Happened? (March, 1984) (Paper presented at the annual meeting of the American Educational Research Association, New Orleans, La.).

89. W. Tickunoff, An Emerging Description of Successful Bilingual Instruction: Executive Summary of Part I of the SBIF Study (1983) (Far West Laboratory for Educational Research and Development, San Francisco, Cal.).

90. J. Curtis, Identification of Exemplary Teachers of LEP Students (April 1984) (Paper presented at the annual meeting of the American Educational Research Association, New Orleans, La.); G. Leddy, et al., ESAA Bilingual/Bicultural Project. 1973-74 Evaluation Report (1974) (Austin Independent School District, Austin, Tex.).

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AIR national survey of bilingual education also found no relationship between whether a teacher was bilingual and the performance of his/her students.[91]

Even more amazing, Moore and Parr[92] found teachers in the bilingual education program who were rated as *less* competent had better student performance. This finding is not as strange as it sounds if, as seems likely for a bilingual education program, the competence rating is primarily an evaluation of the teacher's bilingual ability. If that is the case, this would suggest that the teachers who taught in English because they were not bilingual had better student performance than those who, because they were bilingual, taught bilingually. What all these studies suggest is that the psychological advantage one gains from having a bilingual, same ethnic group teacher may be offset by the tendency of these teachers to actually teach the transitional bilingual education program as its proponents intend it to be taught—bilingually. Thus, it may be more important that a teacher teach in English than that he or she be bilingual, if one's goal is the greatest English language proficiency that a student is capable of within the constraints of the normal school day.

Policy Recommendations

The discussion and policy recommendations that follow are based on our interpretation of the research in bilingual education as well as school desegregation. While to some extent they are speculative, they are certainly no more so than current policy in this field, as experts have acknowledged.[93]

Our first policy recommendation is the one most reviewers have—more good research needs to be conducted in order for the courts and policymakers to make intelligent decisions. We recommend that the federal government require local bilingual education programs to keep the kind of data that would allow social scientists to analyze variations in programs. Not all bilingual education programs use the same amount of instructional time in English nor do they keep students in the program for the same amount of time. Many programs called transitional bilingual education are closer to the structured immersion model while others are closer to a maintenance program. If program administrators were required to keep this kind of program information, social scientists could assess the effects of these variations. The federal government, however, must fund more high quality research by enlisting the aid of nationally respected social scientists in designing RFP's and evaluating proposals. The quality of research in this field is a national disgrace which we do

91. Danoff, *supra* note 63.

92. Moore & Parr, *Models of Bilingual Education: Comparisons of Effectiveness*, 79 Elem. Sch. J. 93 (1978).

93. Rios, *Bilingual Education: The Hispanic Response to Unequal Educational Opportunity*, 42 Law & Contemp. Prob. (1978); Carden, *supra* note 28.

not think would be allowed if the subject were national defense or the economy. Whether good research will ever get admitted into the courtroom, however, is a matter of chance—whether one side or another believes it will help its case.

What little good research there is suggests the advocates of transitional bilingual education have done a disservice to limited-English-proficient children by selling them half a loaf under the guise of a whole one. Contrary to the impression given by most court decisions, there is no consistent evidence that transitional bilingual education is the best way to improve the English language proficiency of limited-English-proficient children, nor the best way to make them or keep them bilingual. It seems to us that children who spend half their day being educated in their native tongue for three years and then all their time in the second language after that will not be very bilingual when they graduate many years later, and they will have lost one and one-half years of English language learning time.

One of the many serious limitations of the research on bilingual education and the programs themselves, however, is that no one looks at the future educational success of graduates of bilingual or immersion programs, as well as their life chances. It is quite possible, for example, that *maintenance* bilingual education, that is, bilingual education for an entire school career, reduces English language achievement in comparison to educating a child in the regular English language classroom or structured immersion, but increases life chances for these students. This is because it might produce greater native tongue ability resulting in greater economic gains in later life than would be predicted from the English language achievement of these students.

Even if this does not increase one's life chances in any material way, it certainly ought to do so in an intellectual sense. While there are problems, particularly self-selection bias, with the analyses that conclude bilingualism increases cognitive development,[94] at the very least being able to converse in another language is a valuable skill. Rather than viewing limited-English-proficient children as a burden, perhaps we ought to view them as an opportunity to develop bilingual adults.

There are two elements of consumer protection, however, which are critical for the courts to consider if they are to adequately protect the rights of limited-English-proficient children. First, not every limited-English-proficient child will want to, or be able to, maintain their mother tongue. Nor should they be forced to do so by the courts and other policymakers. Second, children and their parents must be advised as to the probable consequences of being raised bilingually within the constraints of the normal school day. Such children will

94. Cummins, *The Cognitive Development of Children in Immersion Programs*, 34 CAN. MOD. LANG. REV. 855 (1978); Kessler & Quinn, *Positive Effects of Bilingualism on Science Problem Solving Abilities*, in GEORGETOWN UNIVERSITY ROUND TABLE ON LANGUAGE AND LINGUISTICS (J. Alatis ed. 1980); Lambert, *Cognitive and Sociocultural Consequences of Bilingualism*, 34 CAN. MOD. LANG. REV. 537 (1978).

be like decathlon athletes and it is false advertising to promise them they will not only win the decathlon, but also come in first in each individual event against those who specialize in it. Unfortunately, that is what bilingual education advocates have been promising primarily because that is what the courts and other policymakers have been demanding.

Obviously, then, bilingual maintenance programs will be most successful in increasing life chances if, as with the year-round transitional bilingual education program studied by McConnell,[95] time in both languages is increased by either increasing the length of the normal school day and school year, or by cutting out non-academic subjects. In the latter case, such students would become academic specialists.

Of course, limited-English-proficient students in immersion programs could also benefit from an extended school day or year. There is no reason why the courts should not order "compensatory" education that truly compensates children for the time they have lost. If children are deficient in English, they should have more rather than the same amount or less of English language instruction. If English fluent children attend school for five hours, then limited-English-proficient children should attend it for six or seven. That is truly a remedy which compensates children for a fourteenth amendment violation.

Both a structured immersion and a bilingual maintenance curriculum should include a strong bicultural program in order to produce the greatest achievement gains and equal status intergroup contact. This is an area in which the courts have been reluctant to intervene, but one in which their involvement is greatly needed since it is the one issue which the school districts are most likely to ignore. The research on interracial contact conducted by Cohen, Robbins, and Slavin suggests some ways to structure these programs.[96] Cohen's and Robbins' research indicates that the only way in which children's status expectations can be changed is when the children with lower status are placed in a position of superiority. In their experiments they did this by having the children with lower status learn a skill and then teach it to the children of higher status. It follows from this that one way of changing the low status of limited-English-proficient children and integrating them into the regular curriculum is to appoint them, even those who speak little English, the teacher's aide in a

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95. McConnell, Migrant Students, *supra* note 83.

96. Cohen, Lockheed & Lohman, *The Center for Interracial Cooperation: A Field Experiment*, 49 Soc. of Educ. 47 (1976); A. Rosenholtz, Fostering Equal-Status Interaction Through the Establishment of Consistent Staff Behaviors and Appropriate Situational Norms (April 1977) (Paper presented at the annual meeting of the American Educational Research Association, New York); R. Slavin, Student Teams and Achievement Divisions: Effects on Academic Performance, Mutual Attraction and Attitudes (1977) (Center for the Social Organization of Schools, Johns Hopkins University) [Hereinafter cited as Slavin, Student teams]; R. Slavin, Cooperative Learning (1983) [Hereinafter cited as Slavin, Cooperative Learning].

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multicultural program in which they teach their English-speaking classmates their mother tongue and culture.

Slavin's[97] research on cooperative learning suggests that one of the most successful ways to raise achievement and produce equal status contact when students leave the immersion program for the integrated classroom is to reorganize the individualized competitive classroom into a cooperative environment in which children are assigned to teams, heterogeneous in ability and ethnicity, which compete against each other. Perhaps as important as the interdependence this establishes is that low achieving students are actively and positively engaged in academic classroom activities.

Summary

This review has discussed the use of social science research in bilingual educational equity cases and the federal policymaking process and its policy implications. The court cases and OCR negotiations have been characterized by the mutual belief on the part of the plaintiffs and the defendants that transitional bilingual education is the best method of solving the English language achievement problems of limited-English-proficient children. The plaintiffs typically argue that its failure to do so in the defendant school district is a function of bad implementation. The school districts often contend that numbers are at the heart of the matter. They simply cannot afford to provide this "superior" instructional technique to every child who needs it.

The research, however, does not support transitional bilingual education as a superior instructional technique for increasing the English language achievement of limited-English-proficient children. Indeed, despite the general acceptance by the courts that submersion or doing nothing has failed, it fares no worse than transitional bilingual education.

We believe the most promising technique is structured immersion with bilingual, same ethnic group teachers, because this fulfills both the cognitive and psychological needs of limited-English-proficient children. There really need to be more planned variation experiments, however, before the courts would be willing to order such programs implemented. One area which the courts have almost completely ignored is the non-academic domain. Any special language program should be combined with a bicultural program and team learning to produce equal status contact and the greatest achievement gains for low achieving students.

The research does not support transitional bilingual education as a superior instructional technique for maintaining the mother tongue either. We would argue that the best way to do that is through a bilingual maintenance program

97 Slavin, Student Teams, supra note 96; Slavin, Cooperative Learning, supra note 96.

co.,posed of self-selected eager language learners willing to make the trade-offs that such an education will entail for the reward of being bilingual. This, however, is an educational and social policy concern, not a legal issue, and thus the courts will probably have little to say about it.

APPENDIX I

METHODOLOGICALLY ACCEPTABLE STUDIES

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Mr. ROTH. Thank you, Mr. Chairman.

In the days since the Rossell and Ross study was released, proponents of bilingual education have attempted to refute it, but the fact remains that bilingual education is a flop at what we in Congress have asked it to do; teach students English.

Those who have other goals for these programs should say so and allow the rest of us to vote on these programs on those merits. If the supporters of bilingual education want to use it as a way to maintain the language and culture of their ancestors at the expense of their children's future, let them say so up front, but it simply defies the evidence to say that bilingual education teaches students English better than other methods.

These failed programs cost a good deal of money. Direct government support for bilingual education programs totaled $228 million in this fiscal year. An estimate offered in 1990 during a congressional hearing on bilingual education suggests that this is but 20 percent of the total cost of these programs. In other words, real spending for bilingual education is probably well over a billion dollars a year.

English must be the language of our schools and our country. Not only do the American people in general agree—93 percent of the people in my recent district questionnaire agreed—but so do our Nation's immigrants and language minorities.

For example, the Latino National Political Survey released December 15 of last year indicates that Hispanics, even recent immigrants, want their children to learn English. In fact, Hispanics agreed by over 90 percent that U.S. residents should learn English.

Advocates of bilingual education demand that these programs continue despite their virtually unbroken record of failure. These failures have human faces.

Let me mention just one. A mother in New York City, Gregoria Jiminez, came to the attention of the press recently because she was forced to hire a private tutor for her son. Why? Because after 3 years of bilingual education, her son could not read or write in any language.

A Chinese-American, Philip Chiu, put this tragedy in perspective in the San Diego Union, where he wrote, "The most critical tool to achieve our goals is to speak better English than the whites ... To better our English doesn't mean to throw away our heritages. It means the possession of an effective means to work with and to compete with white ... Instead of fighting for bilingual education, we should sue the State of California for implementing the bilingual education program to intentionally impede the progress of minorities in joining the American mainstream."

You see, Mr. Chairman, I feel that bilingual education does impede bringing people into the American mainstream and therefore it doesn't give them the same advantages that others enjoy. So I think it is discriminating against them.

If the parents of the children involved and the academic researchers who are objective, and if the prominent educators and hard-pressed taxpayers all oppose bilingual education, why should Congress renew these programs?

President Clinton has challenged us to be as good at eliminating programs that don't work as we are at creating new ones. For the

successful future of our Nation's children, funding for bilingual education must be terminated.

So long as English remains a language of opportunity in this Nation we are doing the children of immigrants a grave disservice by giving them less of what they really need—English classes and English language instruction. The $228 million we are spending for bilingual programs every year could pay for a good deal of instruction in English.

This is one of the reasons I recently introduced the "Declaration of Official Language Act" to make English our Nation's official language. You see, I don't think that we should be voting in six different languages in LA. I don't think that we should be fractionalizing America into different linguistic groups. I feel we are all Americans and there is no need for hyphenated Americans. A key part of this bill is the elimination of the failed bilingual education programs.

The response to this bill from the American people has been tremendous. I have received letters and telephone calls from people all over the country. I was on a talk show in New York one day at 4 o'clock in the afternoon. At 11 o'clock at night, my phones were still ringing in the office on this issue, so I know people are concerned about it.

The support I have received from over 50 States from people of all ancestries and economic backgrounds tells me that the majority of Americans are with me on this issue. It is time for Congress to start listening to the American people and less to the professional ethnic activists.

The time to act on behalf of the American public is now. We must not follow the same divisive path taken in Quebec and elsewhere, and we must ensure that all of our children have the same opportunity of learning effective English.

The evidence is clear. Bilingual education wastes billions of taxpayer dollars while failing to give students an adequate education in any language. Programs such as bilingual education which actually inhibit the learning of English must be eliminated.

We Americans, as I have said, are people from every corner of the globe, from every heritage, every linguistic background imaginable, but we are one Nation, one people. We have a commonality, and that commonality is called the English language.

Arthur Schlesinger in his book, "The Disuniting of America," says bilingualism is an elitist, not a popular movement. Institutionalized bilingualism remains another source of fragmentation of America, another threat to the dream of one people.

Thank you, Mr. Chairman.

Chairman KILDEE. Thank you very much.

[The prepared statement of Hon. Toby Roth follows:]

STATEMENT OF HON. TOBY ROTH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. Chairman and Members of the subcommittee, I want to thank you for giving me this opportunity to testify on behalf of some people Congress doesn't hear from. The children in the bilingual education programs we're debating over today don't hire lobbyists. Their parents don't make big salaries. All they have is a dream for a better life in America. I am here today to speak for these people, Mr. Chairman. Someone has to say what these children and their parents know to be true—that without English, these children are doomed to a second-class future.

Do these programs continue because parents support them? No. These programs continue despite parental opposition. One of the most moving statements on this subject was made by Ernesto Ortiz, a foreman on a South Texas ranch, who said: "My children learn Spanish in school so they can grow up to be busboys and waiters. I teach them English at home so they can grow up to be doctors and lawyers."

Thomas Sowell, in his book *Inside American Education*, cited numerous surveys proving that the great majority of Hispanic parents—more than three-fourths of Mexican-American parents and more than four-fifths of Cuban-American parents—are opposed to the teaching of Spanish in the schools at the expense of English.

These feelings from Hispanic parents are understandable and laudable. Consider the plight of the non-English speaker in America. Newspaper want-ads offering jobs are meaningless. Writing an effective resume is even more difficult. The most tragic aspect of failed bilingual education programs is that they relegate their pupils to second-class economic status.

Right now, I suspect there are more supporters of bilingual education in this hearing room than there are in the rest of the country combined.

President Reagan reminded us that Washington, DC is the home of the iron triangle. That triangle is composed of three parts: (1) the lobbyists who make their living from an issue (2) the bureaucrats who also make their living from an issue and (3) sympathetic members of the news media. The bilingual education programs Congress wants to renew today are being pushed by the very same iron triangle that the American people are currently complaining about so vocally.

The time has come to admit that transitional bilingual education does not work. The evidence has been in for some time. Transitional bilingual education is a dismal failure at what Congress has specifically asked it to accomplish: teach students English.

Even advocates of bilingual programs have been forced to admit that these programs do not work. Thomas P. Carter and Roberto D. Segura, in their book, *Mexican-Americans in School; A Decade of Change* confess:

> "Governmental financial support (for bilingual education) will diminish rapidly as it becomes increasingly clear to legislators that the goals of improved Chicano academic achievement are not met."

That statement was made in 1979. Most people don't know that Congress mandated bilingual education nationally in 1974 with little evidence in its favor. This was the Red Queen in *Alice in Wonderland*: sentence first, verdict afterwards. Today, the search for proof that these programs actually help immigrant children learn English continues without success.

The most thorough study in this area was released in 1986, by Christine H. Rossell and J. Michael Ross. Rossell and Ross reviewed every study they could find on the subject from the 1960s to 1984. Their aim was to find if bilingual education actually helped students to learn English.

As Rossell and Ross bluntly put it:

> **[Not a single] study has found transitional bilingual education to be superior to structured immersion** (at teaching English).

I ask that this complete study appear in the record of this hearing at this point.

In the days since the Rossell and Ross study was released, proponents of bilingual education have attempted to refute it. But the fact remains that *bilingual education is a flop at what we in Congress have asked it to do: teach students English.*

Those who have other goals for these programs should say so and allow the rest of us to vote on these programs on those merits. If the supporters of bilingual education want to use it as a way to maintain the language and culture of their ancestors at the expense of their children's future, let them say so up front. But it simply defies the evidence to say that bilingual education teaches students English better than other methods.

These failed programs cost a good deal of money. Direct government support for bilingual education programs totaled $228 million for this fiscal year. An estimate offered in 1990 during a congressional hearing on bilingual education suggests that this is but 20 percent of the total cost of these programs. In other words, real spending on bilingual education is probably well over $1 billion annually.

English must be the language of our schools and our country. Not only do the American people in general agree on this matter—93 percent of respondents to my annual district questionnaire expressed their agreement—but so do our Nation's immigrants and language minorities.

For example, the Latino National Political Survey released on December 15, 1992 indicates that Hispanics, even recent immigrants, want their children to learn English. In fact, Hispanics agreed by over 90 percent that U.S. residents should learn English.

Advocates of bilingual education demand that these programs continue despite their virtually unbroken record of failure. These failures have human faces. Let me mention just one. A mother in New York City, Gregoria Jiminez, came to the attention of the press recently because she was forced to hire a private tutor for her son. Why? Because after three years of bilingual education, her son could not read or write in any language.

A Chinese-American, Philip Chiu, put this tragedy in perspective in the *San Diego Union*:

"The most critical tool to achieve our goals is to speak better English than the whites. . . . To better our English doesn't mean to throw away our own heritages. It means the possession of an effective means to work with and to compete with whites. . . . Instead of fighting for bilingual education, we should sue the State of California for implementing the bilingual-education (sic) program to intentionally impede the progress of minorities in joining the American mainstream."

If the parents of the children involved, objective academic researchers, prominent educators, and hard-pressed taxpayers all oppose bilingual education, why should Congress renew these programs? President Clinton has challenged us to be as good at eliminating programs that don't work as we are at creating new ones. *For the successful future of our Nation's children, funding for bilingual education must be terminated.*

So long as English remains the language of opportunity in this Nation, we are doing the children of immigrants a grave disservice by giving them less of what they really need—English classes and English language instruction. The $228 million we are spending for failed bilingual programs could pay for a good deal of instruction in English.

This was one of the reasons I recently introduced H.R. 739, "The Declaration of Official Language Act," to make English our Nation's official language. A key part of this bill is the elimination of failed bilingual education programs.

The response to this bill from the American people has been tremendous. I have received letters and phone calls from all over the country in the thousands in support of my bill.

The support I have received from all 50 States from people of all ancestries and economic backgrounds tells me that the majority of Americans are with me. It is time Congress started listening more to the American people and less to the professional ethnic activists.

The time to act on behalf of the American public is now. We must not follow the same divisive path taken in Quebec and elsewhere. And we must ensure that all of our children have the same opportunity to effectively learn English.

The evidence is clear. Bilingual education wastes billions of taxpayer dollars while failing to give students an adequate education in any language. Programs such as bilingual education which actually inhibit the learning of English must be eliminated. Doing so will help ensure a bright future for our Nation, and for Americans of every culture and heritage.

Again, I thank the Chairman and members of the subcommittee for the opportunity to address this important subject.

Chairman KILDEE. I want to thank both the witnesses. I think both of you would agree with me that it would be an educational and a social failure for a student to go through school without becoming proficient in English. I think the question is whether we want to make everyone monolingual in the country. That is what we will try to discuss in the course of these hearings.

We have in Flint, Michigan a bilingual program in which we have Hispanic children and children who are of other heritages in the same classroom and the Hispanic children are first of all making sure they make their promotion in a timely fashion or learning well and the other students in the classroom are picking up Spanish. It is really great to visit that classroom.

I have also noticed that the parents of the Hispanic children, their English also, because they are very much involved in the program, their English grows in proficiency.

So I think we have to look at programs and see what type of programs achieve the purpose of what bilingual education has in its Preamble, that it will make sure that the students achieve pro-

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ficiency in English, but to use the native language to make sure that they do not fall behind in their promotion and graduation requirements.

As another factor, I think that if we certainly keep our eye on making sure they achieve proficiency in English, it is a plus if they remain bilingual, a plus for themselves and a plus for our society as we compete in this global economy.

We are talking about free markets. The President is pushing NAFTA, and it might be useful if more people were bilingual. But I think you both would agree that we want to make sure our students achieve proficiency in English. It is a question of whether we want people to be monolingual or bilingual and in some instances help them retain their native language so they can be bilingual.

I think that is what will emerge and you bring points of view that have been researched and I appreciate it very much.

I have no questions. I will turn to Mr. Goodling for questions.

Mr. GOODLING. I don't have any questions either, just to thank both of you for coming and indicate that what I took from your testimony, putting both together, is that flexibility is also very, very important. We have been having this battle for the 18½ years that I have been here each time we have a reauthorization and we had to get beyond the point of where we were convinced or we were trying to be convinced by those that were testifying that there was only one way to bring about this transition.

I think we have improved the language of the legislation rather dramatically over the years to allow the flexibility. For example, the first Vietnamese students that came to my school district, their parents—and they were the brightest and the best. The parents spoke English, therefore it was just a matter of time until they went flying right by the rest of my students, who had been speaking English all their lives, because the parents demanded it.

The Boat People that came, of course, had very little education, as many people now coming into the country have had no formal education at all, so it is even difficult to teach in their own language because they can converse but as far as the grammar, they haven't had that in their own language.

Basically I see from what you are saying that flexibility is going to be very important. We have to keep in mind that in some school districts—I can think of two—there are 101 languages spoken in one district and in the other school district 102 languages.

It is not difficult to get Spanish teachers. It is very difficult in many of the other languages to get teachers and at the same time meet the qualifications that the teachers' groups say they have to meet, which I don't think is the way you should do it.

So I hope that we will continue the thought that there must be flexibility and those who seek those grants; and as you said, a very limited number of people who get grants because there is a limited amount of funding—that we won't get into the business of tying our hands so tightly that there is only one way to provide a bilingual education program. I would hope that family literacy would be the focal point.

The Even Start program that we just instituted in our area, we have 90 youngsters, a large number of them are Hispanic and their parents, and of course we insist that the parents participate. That

is what Even Start is all about. And they become more literate than they presently are and better—have better parenting skills so that they can be the child's first and most important teacher.

Again I thank both of you. You came from two different directions, but I really believe you bring the idea of flexibility to the forefront.

Chairman KILDEE. Mr. Becerra?

Mr. BECERRA. Thank you, Mr. Chairman.

Also in the interest of time for our colleagues I will not ask any questions, but make a few quick remarks.

I thank Mr. Serrano for his comments. As he mentioned, those of us in the Caucus will be introducing a bill dealing with bilingual education as well as migrant education and Chapter 1. I thank the chairman of the Caucus for his efforts this year and in the past to try to bring the issue of bilingual education to the forefront and address it, I believe in a compassionate and rational way.

Mr. Roth, there was a point where you mentioned that most residents in this country—especially Latino residents in this country, immigrant or U.S. citizens, truly believe that we must all learn and understand English.

I think that is the goal and should be the goal of any program, whether it is bilingual education or anything within our school system. We have to make sure that our children understand and are very proficient in English so they can be proficient in every field.

I disagree that we must be alarmed and feel that English is being threatened in this country, because I think you will find that more than American citizens, the immigrants, those who will become our future citizens, are more interested in making sure we maintain English as our language than are American citizens.

I think you will find that they are more interested in perfecting their ability to speak English than any other American citizen because they understand more than others the true value of English.

I think we can work together to come up with some particular policies. I think that whether we agree completely that bilingual education or any form of education is the best way to go, ultimately we are trying to fashion the best approach to make our children better citizens.

I will reserve the rest of my comments until an opening statement later.

Thank you, Mr. Chairman.

[The prepared statement of Hon. Xavier Becerra follows:]

STATEMENT OF HON. XAVIER BECERRA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

It is a pleasure to be here this morning to hear from both a distinguished congressional panel and an expert panel which includes teachers, practitioners, professors and a former bilingual student. I thank my Chairman, Dale Kildee, for holding a separate hearing on bilingual education and the educational needs of limited-English proficient students. Chairman Kildee has been a long time supporter of bilingual education going back to his tenure in the Michigan legislature in the 1970s where he was the primary force behind the passage of the State's first education legislation.

I am proud to serve under Chairman Kildee and I look forward to working closely with him on the reauthorization of ESEA and specifically Title VII. This has been a long haul for this subcommittee, Chairman Kildee and his hard working staff have put together 26 hearings on the reauthorization of ESEA. We should all acknowledge the long hours and dedication of the subcommittee staff, especially the staff

director, Susan Wilhelm, as well as, Tom Kelley, Jeff McFarland, Margaret Kajeckas and Bessie Taylor.

I would like to extend a special welcome to my fried and colleague José Serrano, Chairman of the Hispanic Caucus, and former member of the Education and Labor Committee. José Serrano has a long history of fighting for a better future for all children, and during his tenure in Congress he has been a true champion for education. Since leaving this committee, he has continued his advocacy for children and education as a new member of the Labor, Health and Human Services and Education Subcommittee on the Appropriations Committee.

This fall Representative Serrano and I will be introducing legislation on behalf of the Hispanic Caucus which will focus on the reauthorization of Title VII, the Bilingual Education Act, and Chapter 1 of the Elementary and Secondary Education Act. Representative Serrano will testify more about the direction the Caucus will be moving towards with this landmark legislation, but we are committed to several basic principles. First, to provide increased funding for quality programs that teach English to limited-English proficient children. Second, to highlight achievement in traditional academic courses. And third, to offer the development of multilingual skills for all students.

I look forward to hearing from our panels today because nowhere is the need for increased Federal investment more necessary than in bilingual education. We have seen a dramatic increase in the number of Americans speaking a language other than English over the past decade. According to the Census Bureau, more than 31.8 million people ages five and over said they spoke a language other than English in 1990 compared to 23.1 million in 1980. And by the next Census, in the year 2000, I know that number will be larger by at least one, because my wife, Carolina, and I will do our utmost to insure that our newborn daughter Clarisa Isabel becomes fluent in Spanish, English, and hopefully a third language.

Our Nation's economic future hinges upon our ability to harness the skills of all our citizens. To compete in the competitive global market of the 21st century we need to encourage multiculturalism and multilingual ability, and I see the expansion of bilingual education as one of the keys to a prosperous future for the United States. We must empower all our citizens, be they Native Americans in the southwest, Haitian immigrants in New York, Hmong transplants in Providence, Native Hawaiians in Honolulu, Latinos in Texas or Asian Americans in California. America's greatest strength is its diversity.

I look forward to working with the Clinton Administration to expand and improve bilingual education. The past 12 years have been difficult ones for proponents of bilingual education. Since 1980, funding has decreased by 46 percent when adjusted for inflation. That's difficult for any program to swallow, even considering the 4 percent decline in school enrollment during this same period. But the number of children who speak a language other than English did not shrink; it grew 41 percent over the past decade. Currently Title VII serves less than 10 percent of eligible children. This situation must change and with the commitment of administration officials like Secretary of Education Richard Riley, I am confident we will be successful.

Chairman KILDEE. Mr. Petri.

Mr. PETRI. I would just like to thank both colleagues for coming and testifying. This is a very important subject and I know my colleague from Wisconsin has been a leader in this area for a considerable time, partly because our State, like Michigan, is next to Canada and we see the problems that Canada has as a Nation with its bilingual policy and the tension its policy has created.

I hope we don't end up getting trapped in the same kind of situation in the United States, that we work to recognize the diversity of our country, but have national policies that help people to enter the mainstream and function effectively as Americans; we must recognize that language is one of the things that historically has united us in the United States, though people may have spoken a language different than English when they arrived in the United States.

I don't know if you have further comments, but I do want to thank you for helping us with this important subject.

Chairman KILDEE. Mr. Roemer.

Mr. ROEMER. Thank you, Mr. Chairman.

I first of all would like to welcome both my distinguished colleagues to the Education and Labor Committee, particularly Mr. Serrano, who is a Member of this committee. It is nice to see you here giving us good testimony.

I think the bilingual education question has to be looked at. It is not presented as English only or English first. I think it needs to be looked at in terms of how do we expand the education opportunities for those students in America that are English deficient and that desire to improve their English language skills. That is one of the goals here, I think.

Secondly, how do we continue to have pride in this country in all languages while having schools and students and educators and teachers and doctors and lawyers and scientists and trade negotiators that are proud to speak three and four and five languages in this country?

When you travel to Europe, it is very common to see people speak two or three languages, and that is not something that people are ashamed of.

Here we don't encourage that enough. We don't put enough of our resources into making sure that people not only speak English well—and that has nothing to do with their background or their race or their origin—we need to make sure that all people in this country can write and speak English properly. But I also think that we need to encourage changes in this program.

Mr. Roth said that President Clinton has talked about eliminating programs that are wasteful. President Clinton has also talked very much about reinventing government and trying to improve programs that have good intentions, but may not be accomplishing everything that they originally sought to accomplish. I think with some changes and reforms in this program, we can expand learning opportunities for limited English-proficient students and also encourage pride in speaking many languages in order to raise very smart, capable students. I think we will hear from other panels about how we can continue to improve teacher training programs for teachers in these programs.

I just visited a Head Start program in Washington this week that works in bilingual education. How do we work with new technology and software in these areas?

There are many things that we need to look at. But I want to stop there and thank both Members for being with us today.

Chairman KILDEE. Mr. Gunderson.

Mr. GUNDERSON. No comments.

Chairman KILDEE. Governor Romero-Barcelo?

Mr. ROMERO-BARCELO. I congratulate the Members on their testimony. It brings up things we should discuss in this committee.

I would like to make a statement that when you talk about the issue of bilingual which becomes emotional—the other day in a hearing, I mentioned the fact that in Puerto Rico, we have intensive language courses in English and we had intensive language camps in English and that was interpreted by some to mean that I was against bilingual education, and I have been a strong defender of bilingual education for many, many years.

I don't like to brag, but I received a gold medal from the Spanish Institute in New York for my work in bilingual education.

There is a difference. In Puerto Rico, we have a different situation in bilingual education than on the mainland. Here you have the immigrants coming in that are proficient in a foreign language and they have to learn English, and we don't want them to lose their native language.

I think it is important to maintain proficiency. In Puerto Rico, the first language is Spanish and we need to teach them English. In Puerto Rico, the intensive camps for 10 weeks learning English was very good because it provided a good start for students to learn English and get rid of the shyness to speak a foreign language.

One of the problems with speaking a foreign language is you are initially shy. When you spend 10 weeks learning it and speaking it, you lose the shyness.

We have to make some decisions for our country, too. We first have to decide whether we think the idea of the Nation as a melting pot is a good idea or whether we should move to a salad bowl where ingredients are kept together.

Certainly for dietary reasons, I think a salad bowl is healthier than a melting pot. The Nation will grow strong if we work out the differences among us and work together as a Nation. The United States can become a worldwide Nation. We need to get closer to our Latin American brothers. Then we have to—the Nation has to learn that it is to our advantage to be bilingual in Spanish and English.

We need to get closer to other countries. It is to our advantage to have Americans that are bilingual in English and other foreign languages. To be bilingual is an asset, not a liability. If it is an asset, let us foster, promote and strengthen it.

We have to decide how to accomplish that. I think that—I don't think that anyone could say that it is not an asset to be bilingual. I have four children. They are all grown up. My wife was from New York and she moved to Puerto Rico. Her first language is English; mine is Spanish. We made a decision when our kids were born that for the first 3 years, she would speak to them in English and I would speak to them in Spanish. They learned both languages and would speak to their mother in English and turn around and speak to me in Spanish without thinking twice about it.

The earlier you teach languages, the better you learn. In Europe, if there is any country that is a "languagephobe," it is the French. They are very proud of their language; yet they understand the importance of teaching their children two or three languages.

In most countries, children and adults speak two or three languages. The fear that I hear is we cannot teach them the other language because then it will be bad for the Nation.

It is one thing to have a common language in government and the other thing that our people should be able to speak two, three, four, five languages. I think it is an asset and the more languages we speak and the better we learn them, the more opportunities the students will have and the better it will be for the Nation.

How do we accomplish it so that immigrant children learn English well, but also maintain their language and speak their language well and proficiently? It will be to their advantage to get a job. If you are bilingual, you can probably get a better job.

I don't see why we should even say that any bilingual program is bad. We have to decide how we focus it and how we are going to strengthen the program.

Thank you.

Chairman KILDEE. Thank you, Governor.

Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman.

I too would like to thank the witnesses. I have a prepared statement that I would hold until later.

A few comments. From Texas and from Houston, I recognize the value of bilingual education, but a personal experience. In the 1960s, I was in high school in Houston, a majority Hispanic high school, long before Texas provided bilingual funding. In fact, Texas did it in 1973.

I was proud to make that vote then. I saw what happened to Hispanic students who came to my high school and were sink-or-swim, and they left after a week. We lost some good students that way. That is why in 1973 in one of the first sessions I served in the legislature, we voted for bilingual education in Texas. There is a need for it and it is utilized and I see success stories in Houston and in Texas.

The concern comparing Canada and Quebec with the Republic of Mexico is apples and oranges. There is a great deal of difference to it because at least in Texas, we value that cultural difference, not to the exclusion, but to bring together.

In the United States we value our togetherness much more than exclusion. I think we build on that diversity.

I would like to associate myself with the remarks of our Delegate from Puerto Rico. I think the salad bowl analogy is very good because I think we always thought we were a melting pot, but we are not.

In Texas we are proud of our Czech-Texans and German-Texans. My wife's family were citizens of Mexico before they were Texans because they came to Texas when it was a republic. They spoke German until this generation. So the analogy of the salad bowl I think applies more than the melting pot ever did because we are proud of our heritage, but we also recognize that we are also all Americans.

[The prepared statement of Mr. Green follows:]

STATEMENT OF HON. GENE GREEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman and members of the committee, bilingual education is for many students the only chance for a quality education. A student who enters our education system with limited-English skills simply cannot be thrown into an English only classroom and expected to understand the material being presented. My wife, who is a high school teacher, sees this every day at her tri-ethnic high school.

I realize that many of you who are from parts of our country where there are few non-English speaking students and have difficulty understanding the need for this program, however, please understand that bilingual education represents a lifeline for students who would otherwise be omitted from our education system because of limited-English ability.

There are those who would argue that children should be "immersed in English" which would simply tell them to "sink or swim." I ask any of you who are parents if you would teach a child to swim with this same approach. Would you just throw them in the water or would you help them stay afloat while they learn?

Bilingual education buys time for a student. Time that would be wasted while the student struggles to understand English is saved by instructing in other languages while the student continues to learn English. Without this program these students would lose the time and information obtained in math, science, history and every other subject instead of moving forward with the rest of their classmates.

The best testimony this committee can hear is the actual stories about people who are living proof that this program works. I can give two shining examples from my recent visits with constituents of the best this program has to offer. Two students from my district who both came to this country speaking no English and were enrolled in bilingual education programs are now succeeding because of the opportunities they received from bilingual education. One of the students, a young lady who was enrolled in bilingual education for just one year recently won our Congressional Arts Competition and will be attending college on a scholarship this fall. The other, a young man who attends the same high school that I graduated from recently won the Discover Card Scholarship competing among students from across the Nation and will also attend school this fall on a scholarship. Both of these students are examples of success in bilingual education and prove that this program is worth continuing and even expanding.

This program has become an essential part of many States such as Texas who are seeing increasing numbers of limited-English proficient children. The fact is that the Hispanic population in this country is on the rise and will continue to rise over the next decade. Either we can welcome these people and assist them through education programs such as bilingual education or we can ignore them and risk alienating a substantial part of our population.

I ask each of you on this committee to give thorough consideration to maintaining and even increasing the scope of this program and I look forward to working with you to ensure its continued success. Thank you.

Chairman KILDEE. Ms. Woolsey.

Ms. WOOLSEY. Thank you, Mr. Chairman. Thank you for coming and providing us with two sides of this issue. My style is always to stand up and be counted.

Representative Roth, you can count me as one of the people that supports bilingual education. That is because with nearly one out of seven American children speaking a language other than English, I think we have to use bilingual education and take advantage of that to help, as one step in integrating these children into our society.

I agree that we don't ask these children to give up their native tongue because that is going to be to their benefit in the long run and the closer we become as a Nation to being monolingual, the less competitive we will be in the industrial world. That is something we in the United States must take advantage of, is the multiple languages that we have with the people that live in our country and along with that start training our children so they can speak other languages and so they will be part of an international world when they grow up.

As I said, I support the bilingual programs. We can probably tweak it and improve it and learn from what we have been doing.

I thank you all for coming. Thank you, Mr. Chairman.

Chairman KILDEE. Thank you.

Mr. ROTH. If I could respond, I would appreciate it. I think that we want all of our Americans to be proud of their ancestry and their culture, absolutely. To speak a different language in the home, I think that is very commendable. For students to take foreign languages in high school and become proficient, that is terrific. But what bilingual education does is impede young people from getting the fundamentals of English so they grow up, many times, not proficient in either language. I think that is a detriment.

As far as students dropping out of school, I can't think of anything that will keep young people from going on with education if they are not equipped with the English language. We hear that in Germany they have different languages and they do, but the official language that is taught is German. In France, it is French.

We also have to remember that the Germans have other unity. They have united as one people, an ethnic group, the same with the French. America is completely different. We are from every corner of the world. What is our bond, our commonality? It has been the English language.

When you say the salad bowl is preferable to the melting pot, I wouldn't agree. Look at the consequences of what a salad bowl is going to give you. We have seen what has happened after the world has dropped ideologies and gone back to ethnic groups. What would happen to America where we are teaching youngsters in school in New York in 145 different languages; in LA, in 108 different languages?

You say a salad bowl is preferable to a melting pot? My God, my friends, what are the consequences of that? I thought we were trying to stamp out apartheid in parts of the world. Now we are going to bring it here?

I think that if America rejects the concept of a common culture, of a single society, of a republic that is split up into various groups in the so-called salad bowl, I think we are in for a serious problem. If America turns from the goal of our forefathers that Jefferson had of one people, where I disagree with the Members of this committee, Mr. Chairman, is that you believe in hyphenated Americans; I don't. I believe we are all Americans and there should be no distinction.

Whether you have a French background, Spanish or German background or African background, we are all Americans and we all have to have a common bond and the English language is what gives us our common bond. When you destroy that common bond, you destroy the cohesion of America and you disunite America and we are going to rue the day that we do that.

Chairman KILDEE. Mr. Serrano?

Mr. SERRANO. Thank you, Mr. Chairman.

On behalf of the Caucus, I would like to let the panel know that if we approach any reform in any educational program from the viewpoint of how best to deliver those services, you will find the Caucus in full support. The problem here is that we must not begin from a premise that somehow another language is an affront to our society and will destroy our country in some way, history doesn't show that and I am sure the future will not show that.

I set myself up as an example. I can conduct this presentation in Spanish as well as I can in English. In fact a lot of times I think in English while I speak in Spanish. I can function over any plate of food in any ethnicity. I can listen to my stereo in any one of the musics I listen to any day.

I am not confused. I am enriched. If I brought you into the house of a Latino family, you might be shocked to find out that the conversation is not a plot to maintain Spanish as the only language. It is dismay that our children are going into English at such a rapid pace that we are losing the Spanish language.

This fallacy that somehow our children are not learning to speak English is absolutely not true. I am afraid, as one who believes in many languages, that within this generation, most of the children we are concerned about will not speak Spanish. So that is not the problem. The problem is how well to take their language and use it as a tool.

When I came to New York in the early 1950s, I was put into one of those programs and I did learn to speak English quickly. As a result, I was behind for many years on subject matter because Jorge Washington en América is the same as George Washington in America and if someone had taught it to me in another language, I would have been up to date on that subject matter. Luckily for me, I recovered.

One could say you recovered enough to get to Congress, some may consider that not a recovery at all, but I am proud of where I have gotten speaking two languages. I am not upset at all in any way.

As far as hyphenated Americans, I am sorry Mr. Romero-Barcelo left because he might have had another view on the hyphens. We have to be very careful of what we are saying.

I was talking to a friend recently who is slightly more conservative on this issue than I am. I told him "Do you notice that Japanese businessmen when they come here always speak in English?" I was trying to make the point that they are intelligent as business people to understand they have to learn the competitor's language. He said, "Of course. They know we are the best language in the world."

I said, "If that is why you think they learned to speak English, you have lost it all."

Mr. Chairman, in conclusion, we are a strong country because we have learned how to be Americans while being ourselves. New York City is a port of entry for so many people. The Italians in New York have never stopped being Italians. The Jews in New York have never stopped being Jews. The Hispanics in New York have never stopped being Hispanics, yet when July 4 comes around or when election time comes around, they all behave as good Americans. There is nothing to fear.

On the contrary, let's move towards a day when Charles Bronson will no longer need people to dub his voice for him in any kind of western.

Thank you.

Chairman KILDEE. Thank you very much.

One of the greatnesses of this country is that today we have seen two people come before this committee sincerely holding different views on how to approach the serving of children in this country and both of you have demonstrated to this committee your English proficiency very well.

Mr. Becerra?

Mr. BECERRA. I would like to take this opportunity—10 or 15 years ago, we wouldn't have had many Members here who could have talked about bilingual education the way Chairman Serrano has.

Two quick personal anecdotes. My father was born in Sacramento but grew up in Tejorna. He speaks broken English. He

had to leave school because he was the oldest of eight kids at about the fifth grade. He taught himself how to read and write English and he is the most avid—in fact, he argues with me all the time about politics—the most avid reader of news and politics because he is very interested in what goes on.

This is a man who was the proverbial ditch digger and this is a man who always encouraged me to do the best that I could, but he could never tell me to be a attorney or be a congressman because he never had that experience. His experience was with his crew members speaking mostly Spanish in America and doing his work. But he always taught me to do the best that I could and I have been very fortunate that I have been able to, along with the work that my mother did to keep the family together.

Second, is something that happened that I started to notice when I was 18 when I was getting ready to go to college. I grew up with Spanish first but quickly and without much problem became bilingual.

When I was 18, I saw that I was becoming monolingual English and I became very distressed. I reached a pact with my parents. They always speak to me in English and I speak to them in Spanish because they are interested in perfecting their English and I am always interested in perfecting my Spanish.

The point is that you will find no one that is more interested in perfecting English than the immigrant because it is such a value to be able to get along, go along and be a great person in this country and the only way you do that is through English.

Thank you.

Chairman KILDEE. The second panel will consist of Dr. Kathy Escamilla, President of the Board, National Association of Bilingual Educators; Sally Peterson, President, Learning English Advocates Drive; Dr. Kenji Hakuta, Chair, Stanford Working Group; Marcia Kile, Program Consultant, ESL Services; Dr. Sylvia C. Pena, Associate Professor for Curriculum and Instruction, University of Houston; and Roberto Feliz, MD, Beth Israel Hospital.

We will start with the order we called your name, Dr. Escamilla.

STATEMENT OF KATHY ESCAMILLA, PRESIDENT, NATIONAL ASSOCIATION FOR BILINGUAL EDUCATION

Ms. ESCAMILLA. Mr. Chairman, Members of the subcommittee, good morning. My name is Kathy Escamilla and I serve as the President of the National Association for Bilingual Education.

Mr. Chairman, because my time is limited, I ask that my statement be entered into the record.

Before I begin my statement, I want to thank the subcommittee for extending an invitation to NABE to testify at this hearing and to thank you personally, Mr. Chairman, and you, Mr. Goodling for all that you have done over the years to improve and expand educational opportunities for language-minority and limited English-proficient students in our country.

Chairman Kildee, your leadership in bilingual education both in your home State of Michigan, where you sponsored and won adoption of the State's first Bilingual Act, and here in Washington where you cosponsored and helped secure enactment of the 1984 and 1988 legislation reauthorizing the Federal Bilingual Education

Act is well known to the parents and educators who make up NABE. Indeed it is legendary.

Lest that be taken wrong, we view you as a legend in your own time and a legend in our time.

Mr. Goodling, we deeply appreciate the interest you have always shown in the educational needs of language-minority students. We also want to thank you for your efforts, particularly during the last two reauthorizations, to achieve bipartisan support for the continuation, expansion and strengthening of the Bilingual Education Act.

As I stated before, I serve as the President of the National Association for Bilingual Education. More importantly, however, I am an educator, a bilingual educator with more than 20 years experience in the field. I have lived and worked in the States of Colorado, California and Arizona. I have been a bilingual teacher, a program director and am now a professor and a researcher in the field of bilingual education.

In addition, I believe so strongly in bilingual education that my own two children participated in bilingual programs during their elementary school years.

This morning I would like to address the context of reauthorization of Title VII around three general points.

First, it is important to note how much has been learned and accomplished under the Bilingual Education Act during the 25 years since its inception. In the late 1960s, virtually the only programs of bilingual education available in this country were those offered by elite private schools to privileged English-speaking students.

In the Nation's public schools, language-minority students who were limited in their English proficiency were left to sink or swim in monolingual English instructional programs designed for native English speakers. As we know, most sank.

From 1983 to 1988, I directed the Department of Bilingual Education for the Tucson Unified School District in Arizona. This program is presently almost entirely funded by local district funds. It serves LEP students from pre-K through 12 and involves 20 language groups. This program started with a small Title VII project in 1969 which served only 150 students.

The Title VII program created the resources, opportunities, and leadership to build the infrastructure that the school district needed to meet the needs of LEP kids.

This story of capacity building can be repeated in districts across the country, and it serves to document Title VII's success with local school districts.

During the last 25 years, competitive Title VII seed money grants have helped thousands of local schools across the Nation to develop and implement programs of instruction tailored to the needs and strengths of LEP students.

According to the 1990 Census, nearly 6.3 million children ages 5 through 17, one in every seven children of school age spoke a language other than English at home. These children, language-minority children, are the fastest growing segment of our school-age population.

Between 1980 and 1990, the population of language-minority children of school age increased by 41.2 percent while total U.S. school enrollment declined by 4 percent.

The continued and dramatic increase in the population of limited English-proficient students demonstrates to us that diversity no longer exists outside the mainstream of public education. The mainstream is diverse and the reauthorization of ESEA Title VII and all ESEA programs must take this fundamental reality into account.

The third point I want to raise regarding the context of this reauthorization relates to the Goals 2000 legislation recently approved by this committee.

A fundamental tenet of Goals 2000 is that all children can meet high comprehensive academic performance standards if they are provided appropriate opportunities to learn.

NABE emphatically agrees with this tenet and applauds the committee for ensuring that limited English-proficient students are specifically included in the bill's reference to all children. For too long in too many places, LEP students have been victimized by low educational expectations and limited opportunities to learn.

One manifestation of these low expectations is the belief that the only objective in educating LEP students is the acquisition of English. Quality educational experiences for LEP students must, of course, include English acquisition, but also must include a rigorous instructional program that nails LEP students to master subject matter content while learning English.

I also believe that bilingual education should produce bilingual students who are literate in both English and a second language.

In short, simply stated, language learning as well as all learning takes time. We want our children to learn English. We do not want them to learn English quickly. We want them to learn English well. In language learning as in driving, we might say speed kills. In your deliberations about reauthorization, we ask that you consider that the most efficient and effective education for LEP students is one that is comprehensive and sustained.

Thank you for your time.

Chairman KILDEE. Thank you very much.

[The prepared statement of Ms. Escamilla follows:]

Statement of
Dr. Kathy Escamilla, President
National Association for Bilingual Education

Mr. Chairman, Members of the Subcommittee, Good Morning! My name is Kathy Escamilla. I serve as President of the National Association for Bilingual Education.

Mr. Chairman, because time is limited, I ask that my statement and the materials attached to it be entered into the record.

I would like to address two topics this morning: the context of this reauthorization and NABE's draft legislation for the reauthorization of ESEA Title VII. I would like to begin by making three points regarding the context of this reauthorization.

The first point concerns how much has been accomplished under the Bilingual Education Act during the 25 years since its enactment. In the late 1960's, virtually the only programs of bilingual education available in the United States were those offered by elite private schools to privileged English-speaking students. In the nation's public schools, language-minority students who were limited in their English proficiency were left to sink or swim in monolingual English instructional programs designed for native English speakers.

During the last 25 years, competitive Title VII seed-money grants have helped thousands of local schools across the nation to develop and implement programs of instruction tailored to the needs and strengths of LEP students. Title VII training grants have helped institutions of higher education expand their professional programs to include coursework in bilingual education and English-as-a-second language (ESL) instruction, and have supported the professional preparation of tens of thousands of bilingual teachers and other educational personnel. Title VII funds have also stimulated the production of high-quality bilingual and ESL classroom materials and the development of a national information, technical assistance, and research network.

The federal government's investment in bilingual education has dramatically expanded the learning opportunities available to limited-English-proficient students. The dividends of this investment are reflected the real-life performance of LEP students in bilingual education programs: higher academic attainment, both in English language arts and the subject-matter content areas; higher rates of school attendance and graduation; and increased levels of parental involvement in the education of their children.

My second point regarding the context of this reauthorization concerns demography. According to the 1990 Census, nearly 6.3 million children ages 5-17 -- *one of every seven children of school age* -- spoke a language other than English at home. These children, language-minority children, are the fastest growing segment of our school-age population. Between 1980 and 1990, the population of language-minority children of school age increased by 41.2% while total U.S. school enrollment declined by 4%.

Language-minority children speak virtually all of the world's languages plus more than a hundred which are indigenous to the United States. Many language-minority children are, however, limited in their English proficiency. Reliable estimates place the number of limited-English-proficient students in American schools at between 2.3 and 3.5 million.

In California, one of every three public school students is a native speaker of a language other than English, and more than one million students are classified as LEP. Fully one-third of all student attending the 44 urban school districts which comprise the Council of Great City Schools are classified as LEP. While LEP students are highly concentrated in certain states and localities, they are represented in growing numbers in communities across the nation. In NJ, for example, the number of LEP students increased by 10% in just one year, from 1990-1991. In RI, the increase was 18%; in California 14%, in Arizona 9%, in Hawaii, 17%, in Washington state 22%, and in Indiana 16%. Between 1980 and 1990, according to the 1990 Census, the language minority student population increased by 40% in Pennsylvania; by 68% in California, 45% in Ohio, and 72% in Wisconsin. Language-minority students now comprise 35% of the student population in California, 28% in Texas, 23% in New York, and 22% in Arizona.

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Demographers project continued significant growth of America's language-minority and limited-English-proficient student populations well into the next century. Language-minority students, while concentrated in certain areas, are also dispersed throughout schools in every state in the nation. Districts that previously had no LEP students are now having to design and implement programs to meet their special needs. Furthermore, as immigration patterns have changed, so have the linguistic backgrounds of LEP students. While Spanish remains the native language of a majority of these students, there has been significant growth in other language populations. The reauthorization of ESEA Title VII must take these fundamental realities into account.

The third point I want to raise regarding the context of this reauthorization relates to the Goals 2000 legislation recently approved by this Committee. A fundamental tenet of Goals 2000 is that all children can meet high, comprehensive academic performance standards if they are provided appropriate opportunities to learn. NABE emphatically agrees with this tenet and applauds the Committee for ensuring that limited-English-proficient students are specifically included in the bill's references to "all children." For too long, in too many places, LEP students have been victimized by low educational expectations and limited opportunities to learn. While the opportunity to learn and academic performance standards contemplated in Goals 2000 will not be defined and operationalized for years, Congress should maintain the momentum towards higher standards and systemic educational reform as it reauthorizes ESEA programs including Title VII.

The second topic I want to address is the draft Title VII reauthorization legislation which NABE has developed for your consideration. The draft legislation was developed in response to the Committee's general invitation for legislative recommendations and to specific requests by Representative Jose Serrano, Chairman of the Congressional Hispanic Caucus, and Representative Xavier Becerra, a member of this subcommittee.

The draft legislation follows nearly a year of extensive consultation with NABE members; representatives of other education associations and national organizations which advocate on behalf of language minority Americans; members of study groups, such as the Stanford University Working Group on Federal Education Programs for Limited-English-Proficient students; state and local education agency officials and employees; officials and staff at the Education Department; and, of course, with many of your staff. In other words, the draft legislation represents the best thinking of a large number of informed, concerned people. A copy of the draft bill and summary thereof are attached to my testimony.

The time has come for a paradigm shift in bilingual education from a compensatory, remedial model which focuses on the "deficiencies" of students who come to school speaking languages other than English to an "enrichment" model which recognizes the linguistic skills of these students as resources to be utilized and developed.

NABE's draft reauthorization legislation for Title VII promotes systemic change. It brings bilingual education from the periphery of policy to the heart of school reform. One student at a time is not enough. Rather than remediation for individual students, we need to reform education right from the start by changing schools to ensure that education works for all students. A school-wide and system-wide focus for Title VII helps build and sustain the critical mass of expertise, trained teachers, and funding needed to effectively educate all students. This is essential because many of the school reforms of the past decade have largely ignored limited English proficient children.

We believe that the draft legislation responds to the three contextual matters I discussed earlier. The draft legislation

- o builds upon the knowledge derived from 25 years of Title VII experience;
- o responds to demographic realities of the present and the future; and
- o advances accomplishment of the goal of national educational excellence through systemic educational reform.

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I would like to mention just a few of the legislation's highlights. The draft bill emphasizes:

BUILDING SYSTEM CAPACITY TO SERVE ALL LEP STUDENTS: Part A grants are switched from supporting specific types of instruction to building system-wide capacity through program development and implementation grants, program enhancement projects, whole-school programs, and system-wide improvement grants. Emphasis is on program coordination, making sure that programs are tightly linked to other federal, state, and local educational, health, and human service programs to meet the comprehensive needs of LEP students. Part A programs focus on high comprehensive academic standards for LEP students; building skills in content areas as well as proficiency in English and a second language. They provide for sustained teacher development; family education programs which meet the needs of LEP parents and involve them in the education of their children; and accelerate the application of computers, broadcasting, and other forms of educational technology to the needs of LEP students. The legislation authorizes grants to tap and develop the native language resources available in community-based and tribally-sanctioned non-profit organizations. Priority is given to programs for early childhood development and secondary schools, levels of education where bilingual education is less commonly available.

STRENGTHENING SUPPORT FOR BILINGUAL EDUCATION PROGRAMS: Part B refines the national bilingual education network to create a cohesive, integrated system of training, technical assistance and research in the complex, interdisciplinary field of bilingual education which crosses ages, levels, languages and content areas. It promotes the implementation and dissemination of effective practices through Evaluation and Assessment Centers, Multifunctional Resource Centers, the National Clearinghouse on Language and Education, and coordinates with the US Department of Education's Office of Educational Research and Improvement and the State Educational Agencies. Research authorized in Part B focuses on the practical improvement of bilingual education; the development of standards and assessments for LEP students; and linking evaluation to the reform process.

TRAINING TEACHERS WHO WORK WITH LEP STUDENTS: While the Census reports that one out of every seven students does not speak English at home, most teachers have no training in issues of second language acquisition and cultural diversity in education. A severe shortage of trained bilingual education teachers exists. The proposed legislation requires that Part A programs include on-going, robust professional development for educational staff; and expands the training programs authorized under Part C to include coursework in the core curriculum for all teacher training programs on working with LEP students. The legislation aims to increase the number of trained bilingual teachers through support for postsecondary students studying to become bilingual teachers; innovative, articulated career-ladder programs to help bilingual secondary students and paraprofessionals become trained and certified teachers; and bilingual graduate fellowships to train university level faculty and researchers. Priority is given to training that links SEAs, LEAs and IHEs.

Together these changes move bilingual education from an often remedial program to one at the forefront of building quality education for all students. These changes strengthen the ability of Title VII to leverage system-wide change, and build the capacity of American schools to educate effectively our growing language-minority student population.

Chairman KILDEE. Ms. Peterson.

STATEMENT OF SALLY PETERSON, PRESIDENT, LEARNING ENGLISH ADVOCATES DRIVE

Ms. PETERSON. Thank you.

Chairman Kildee, Mr. Goodling, good morning to the rest of the Members of the subcommittee. It is a true pleasure to be here before you today.

I am Sally Peterson. I am a teacher with the Los Angeles Unified School District. I have taught for 30 years. My greatest joy in life has been helping boys and girls to achieve no matter what language they brought to school.

I have a sad story to tell you today. I am in a minority in this room because my view of bilingual education is so different from most of the people here. I feel bilingual education as we know it for the last 25 years is an abject total failure. The goal of the program was to teach boys and girls English to allow them to compete on the same level as their peers who spoke English.

Have we achieved this goal? Absolutely not. We are in worse shape now than we were 25 years ago and all we do is have meeting after meeting, point fingers, accuse, argue with each other over which program is better than the other and who is the loser? The children.

I have no interest to represent. I have no vested interest, no money involved. I am here as a teacher and I represent thousands of teachers who are afraid to come before you to say there is something wrong with bilingual education, because the minute we open our mouths we are anti-minority, racist, anti-child.

No. We are pro-children. We are teachers. We are parents. We want what is best for all children. I hope I represent the voice of a quiet rank and file in this country.

The issue comes down to methodology. The Federal Government has tied our hands. You said to us when you started the program 25 years ago, 97 percent of the programs will be done in a native language format. I thought that sounded wonderful. We worked on that program, and what we found over a long range of time is that it worked for many boys and girls, but for a lot it didn't.

So we said we need more flexibility. Let us try some more options. Not submersion, I don't represent submersion, I represent children who have a right to learn English. Then you changed the plan variation to 25 percent. It still isn't enough. The lobby that controls bilingual education in this country does not allow us to experiment with other options.

Two-way immersion—Los Angeles is raving about their new two-way immersion. We immersed the Spanish child in Spanish. We immersed the English child in Spanish and we tell you we have two-way immersion. We don't. We are robbing our Hispanic students of the right to learn English.

In Los Angeles we have 87 languages. We teach 86 languages in English through various techniques and we say to the Spanish child, "You have to learn through your native language." That is fine if we had the resources. We are 20,000 teachers short in the State of California; bilingual teachers.

I don't think a child in a bilingual classroom should be taught by anyone who is not a bilingual teacher, but we have mandated a program in this country that says we don't have enough of you so we will give you a permit and we will let you do it.

We are experimenting with the lives of the children who need to learn English. I think the crux of the matter is everybody wants bilingualism, everyone wants English language development, everyone wants children to succeed.

We are talking about two separate bills. One bill says we want multilingualism in this country, not speaking of limited English proficient children. Everyone needs to be multilingual. We need to develop a cadre of teachers. We should have been doing this over the last 25 years, but we have failed. The other issue is we have a horrendous LEP population and these children need to learn English. So we have to address that issue.

The gentleman said one parent spoke Spanish, one spoke English. Let the school be the pretend parent. We will teach your child English. You keep teaching your child Spanish at home—fluency, not literacy, then your child will become fluent in both languages and in a few years we can start adding formal literacy instructions in their native language. We will end up in 20 years with the bilingual teachers we need to have a bilingual program in this country.

We are not set up to have it. All we do is sit around and argue what is right and what is wrong.

I value bilingualism. I believe it is an asset. There is so much manipulation of the money in the bilingual program, it doesn't reach the children. There is so much money in this room from the bilingual dollars in this country, and I know it doesn't make me popular—I am not here to be popular—but it is from the bilingual pot that should be going to our children.

Let's stop referring to the negatives. Any time a person uses the word immersion you are doing something wrong. Immersion is a valid bilingual approach if you use native language support. Everyone says define the issue as an absolute. You can't have any deviation of an approach.

We are saying if it didn't work today, let's try to change it tomorrow. Let's keep trying to change it and allow us this open forum to do that.

I hope Congress will consider a total lifting of the ban of the flexibility of choices. I suggested several items. I think we should change the name of this Bilingual Education Act to English Language Development Act. If that is the Supreme Court's mandate that is what we should call the bill.

I hate the term LEP, Limited English Proficient. How would you like to be the child who is told you are limited? It has a negative connotation. Let's call them English learners. I think we should put a cap on the number of years they are in the program. We punish the development of English. If your child becomes fluent in English, the district cuts off the money.

We should reward the development of English. We need to get parents' informed consent. They don't even know what program their children are in or why.

We need to have a national program to find out where are the strengths and weaknesses of this program, not by the people in the

room, not by the people who represent them, but the people who are doing the programs.

I would say Chapter 1 money. I think it is a crime to combine them. We are already doing that. On paper, we show each categorical program as listed separately, but we lump it together. It all ends up in the bilingual pot, but it doesn't reach the child.

The Hoover Commission in California just published a statewide report after a hearing saying that bilingual education in California is an abject failure and they gave it an F. We need to rethink our positions. The teacher should be a good English-speaking role model.

I would like to say I don't think we are the melting pot; I don't think we are the salad bowl. I think we should call ourselves a hot taco salad.

With that, I thank you very much.

Chairman KILDEE. Thank you.

[The prepared statement of Ms. Peterson follows:]

TESTIMONY OF SALLY PETERSON

PRESIDENT, (LEAD) LEARNING ENGLISH ADVOCATES DRIVE

HEARING ON BILINGUAL EDUCATION

ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION COMMITTEE JULY 22, 1997

WASHINGTON, D.C.

Until 1987 when I founded LEAD, I had no intention of becoming an advocate. By profession, I am a teacher. For 30 years, I have been in the classroom, teaching young children. But six years ago, after years of watching non-English speaking children struggle to learn English in a program that actually delays their entry into the mainstream, I decided to speak out. I had seen enough, and LEAD's success verifies that hundreds of teachers just like me had seen enough!

I come before you today to tell you that most native-language based bilingual education programs are a dismal failure. The advocates will look you in the eye and tell you that children taught 80 percent of the day in native-language will learn English. I tell you they will not. The children are more likely to learn English from their peers on the playground than from the limited amount of formal English instruction in the classrooms. In thousands of classrooms around the country, students are receiving as little as 30 to 45 minutes of concentrated formal English instruction daily.

Advocates of long-term native language based bilingual education will tell you theirs is the most successful method of helping language minority children enter the educational mainstream. I tell you that, at best, native-language based bilingual education is no better than any other method. For most children, it is a whole lot worse. Instead of helping these children, it hinders them.

Advocates of bilingual education will tell you that their main goal is to teach English to non-English speaking children. But I tell you their primary purpose is to perpetuate a seriously flawed teaching method so that the bureaucracy that supports it can sustain itself. Their livelihoods depend on promoting the myth that children taught in one language -- most of the day -- will learn English. If these children ever do learn formal English, it takes years ... and years.

I challenge the advocates of bilingual education to show us their cards. They have been gambling with the lives of mostly Hispanic children for 25 years. LEAD is calling their bluff. Let them come forward and silence their critics once and for all. We want to know why only 3% of Hispanic California high school graduates go on to college. We want to know why the dropout rate among Hispanics before the tenth grade is about 40 percent, the same as it was when this great bilingual education experiment began. By means of comparison, the dropout rate among blacks has dropped dramatically over the last 20 years. The major difference between the educational programs of blacks and Hispanics is -- bilingual education.

Let's all remember that the goal of bilingual education is to teach children English. We want all children to learn English as effectively and efficiently as possible and in the quickest fashion. LEAD is seeking reform of a program that has lost all credibility as an academic approach. We want to empower all students by teaching them English.

Native-language based bilingual education is a human tragedy of national proportions. Thousands of promising young people are segregated for years by language groups in the public schools.

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they fail to achieve their potential because they cannot compete in the educational mainstream. They become discouraged and quit.

Bilingual education advocates claim children need to be taught in their native language because of self esteem. But there is no evidence that bilingual education has an impact on a student's self worth. If there is, why after 25 years can't its advocates come into forums like this and silence their critics with overwhelming proof that native-language instruction works. They cannot, because that proof does not exist.

A main point to be made in this discussion is that native-language-based bilingual education is not about education at all. Some of its adherents are well meaning, but basically we are not talking about a program that moves our poorest children into the English-speaking mainstream as rapidly as possible. Basically, we are talking about politics, pure and simple. The politics of a powerful lobby that can sustain itself only so long as its group is alienated from the rest of our society. Children are the tragic, innocent pawns in this cynical game, and long-term bilingual education is its tool. This lobby, by screaming racism at anyone who dares question this teaching method, has managed to silence honest, open debate on this issue.

Very little valid research exists after 25 long years. Most studies are written and published by the vested interests that demand blind allegiance to its conclusions. Yet, the true test of all the researchers and theorists was put to test in the Berkely Trial in 1986. A law suit brought on behalf of Hispanic students in the Berkeley Unified School District focused on the demand for more bilingual education. In this U.S. District Court case, Judge Lowell Jensen found that the programs offered were meeting the needs of the LEP student and that a bilingual teacher was not necessary. Judge Jensen found that the students in Berkeley's English-based English as a Second Language programs were learning English faster even when the teacher was monolingual. He stated that a good teacher was a good teacher. We agree completely.

Much has been heard recently about a U.S. Department of Education study called Aguirre International or Immersion Study that tauts the effectiveness of native language over English based instruction. Recently, a panel convened by the National Research Council has found that this study had serious flaws and that it "does not warrant conclusions regarding differences in program effects."

Yet, evidence is mounting that Latino immigrants, like millions before them from all over the world, want to learn English and want their children to learn English. The Latino National Political Survey recently found that more than 90 percent of Puerto Ricans, Mexican Americans and Cuban Americans say people who live in the United States should learn English. And a study by the Educational Testing Service for the U.S. Department of Education found an overwhelming majority of Hispanic parents oppose teaching the child's native language if it means less time is spent on English instruction.

Evidence is also mounting that those who claim to speak for Latino immigrants in this country don't really speak for them at all. The professional lobbyists on Capitol Hill, the National Association of Bilingual Education, the administrators and bilingual teachers, the textbook publishers -- they are focused on perpetuating a single teaching method upon which their livelihoods depend. Our colleges are brainwashing new teachers that only one method is acceptable in meeting the needs of the LEP student. No other options are considered acceptable.

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Never before in the history of American education has such an army of advocates been so determined to see one program approach mandated by law, regardless of its failure to achieve results. Their political clout has muted criticism by those who know the program does not work, and the education establishment has turned a deaf ear to the experience of rank and file teachers. By perpetuating the myth that native-language-based bilingual education really works for most, federal and state education bureaucrats have caused more damage to immigrant children than to any other single group in this country.

As a teacher in the Los Angeles Unified School District since 1963, I have seen many teaching methods come and go. Programs that worked were continued while teacher input helped to evaluate and change ineffective methodology. All this changed with the onset of bilingual education. Constructive criticism was not allowed. We have the largest bilingual program in the country in the LAUSD, yet the program is riddled with misuse of funds, manipulation and outright deceit. Parents rights are routinely ignored and all the emphasis is on native language instruction. Teachers are fearful of speaking out due to the harassment that occurs to anyone who dares to question the program. The $5,000.00 bonus given to bilingual teachers has demoralized the monolingual teachers whose dedication to students has been questioned and found to be lacking. The reason for this is quite simple---MONEY! A district is rewarded for maintaing native language but loses all funding if a child becomes proficient in English and exits from the program.

The LAUSD has been very successful in selling it's bilingual education program as one of the best in the country. This district spends thousands of dollars that come from the bilingual education funds to perpetuate their manipulation and deceit. A perfect example of their tactics is the newly developed 2 way immersion plan. Sounds great doesn't it. We put English and Spanish speaking students together and one would presume that the English speaking child would learn Spanish and the Spanish speaking child would learn English. WRONG-- In this new and innovative plan the English speaking child is immersed in Spanish and the Spanish speaking child is also immersed in Spanish. What a negative implication this concludes--The English speaking child can learn another language but not the Spanish speaking child.

A recently concluded and much awaited report by the California Little Hoover Commission on the status of bilingual education in our state has just been released. This report clearly states that we have failed to meet the needs of the non-English speaking child. I suspect that within a few days this entire study will be attacked by the bilingual lobby.

Years ago, when bilingual education was introduced, I thought it would work. I thought non-English speaking children taught in their native language would be able to master English and retain their native language, as the program promised. Now I know better. This program works on such a limited basis. Children of recent immigrants tend to come from disadvantaged backgrounds. They need English intensive instruction with native language support. They need to feel part of the society in which they live and they need to feel a sense of belonging in the schools they attend. What they do not need is to be segregated into separate classrooms because they speak another language.

Regardless of all the theories espoused I now know that language learning, like all learning, boils down to input versus output. To teach a language, you must give extensive input in the target language. The more time a teacher spends teaching English, the more English a child will learn. Bilingual education mandates Spanish input and allows the public to believe the output is English. It is a fraud.

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you do not learn to play Tennis on the golf course, and you don't pay for violin lessons when you want to learn the trumpet.

The cruelest irony in this linguistic battle is the way we teach the 46 other language groups in the LAUSD. We insist that the Hispanic child learn in his/her native language but almost all of the other groups are offered a Bilingual English Language Development Program. The other language groups due to the limited number are taught with all the successful strategies that we have developed over the years to teach children English. I teach an ELDP class and I can tell you that it is so successful. The children are happy, involved and are learning with each day. Why must the Spanish speaking child be denied this same chance for success. The LAUSD calls this program second best and discourages their very existence.

There is a major push on at this time to teach all children in more than one language. To be bilingual is truly a wonderful goal for all. Unfortunately, the United States is not yet ready to meet this demand. The resources simply do not exist to meet this need, to mention just one example, California is currently short 20,000 bilingual education teachers. At the rate colleges are graduating them, it will take 50 years to staff bilingual education classes in California's public schools. It is not fair to children or to their parents to promise a program that we can't deliver.

Another factor affecting our ability to offer other languages, is that our school day is not long enough to allow the time required to teach these languages. I suggest that if we are serious about offering bilingualism for all, we must address this as a separate issue, be willing to pour huge sums of money into this project and mandate it as a separate subject. To accomplish this would require that the school day be lengthened to allow for the addition of this subject to our curriculum. I also believe that Saturday language classes would be necessary to supplement this new course of study. An advantage of Saturday classes is that it would enable non-English speaking adults to come to the local school site for English instruction. There is a tremendous demand for more classes and this could be done simultaneously.

It is time to take some drastic steps and work together to completely overhaul our bilingual education programs. Your courage in working for reform will be appreciated by so many children.

The story that I have portrayed today is sadly true. It is voiced over and over in every state in this country that has bilingual education programs. I represent thousands of teachers, parents and students who want to be heard. They are proud of the many languages they bring to our schools. Their culture and heritage enrich all of our lives. They have the ability to learn and demand the best education possible. I'm asking you today to hear our plea. Please allow those of us with no vested interest to be heard. Our only goal is to empower all children. President Clinton himself said that we don't have a single person to waste. We don't have a single talent to lose. Language is the foundation upon which education is built. In this country, if children are not competent in English, there is little chance they will succeed in other academic areas or in the workplace. All children want to achieve. They are the future of our country. We must set the standards and then help all children have the same equal opportunity to succeed.

In closing I would like to make a list of suggestions that we would like this committee to consider.

- NAME OF PROGRAM: Change the name of the program from the Federal Bilingual Education Act to ENGLISH LANGUAGE DEVELOPMENT ACT.

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- CHANGE IN TERMINOLOGY: Change the designation of Limited English Proficient (LEP) to ENGLISH LEARNER (EL).

- CAP ON PROGRAM: Place a 2-3 year maximum length of time to remain in the program.

- REWARDS: Reward the development of English with a bonus when the child exits the program of $5,000.00 per student. This money will follow the child and will be used for continued English language enhancement.

- INFORMED CONSENT: Parents must be provided with accurate information so that they may make an informed choice as to program selections. All options must be fully explained. Coercion and harassment of parents who want to remove their children from a certain approach must stop. The process of removal must be simple and easy to accomplish. The program change must be made without delay.

- PARENT INVOLVEMENT: All efforts will be made at each local school site to involve parents in all levels of decision making. Special care will be taken to be aware of the various languages of the parents.

- PERIODIC REVIEWS: Periodic reviews of the program will be conducted by persons with no vested interest in any one method. Test results will be listed by 2 categories-- a)Native language plans b) English Language Development plans --- Results of progress will be listed separately.

- LIMIT ADMINISTRATIVE COSTS: No more than 10% of monies received could be allotted for administrative and management purposes. 90% of all monies received would go directly to the child.

- TEACHER POLL: Conduct a Statewide and a National teacher poll. An independent firm would conduct this poll to determine the strength and weakness of bilingual education programs. Special attention would focus on teacher credentials of those involved in the program. Suggestions for improvement would be major focus of poll. Results would serve as basis for new legislation.

- LIFT CAP: Completely lift the cap on program choices by local districts. (Current legislation lists 75% Native Language Plans and 25% Plan variation.) Allow 100% flexibility.

- TEACHER CREDENTIALS: All teachers must hold valid state teaching credentials. All teachers should prove competent in the English language. If a teacher is required to teach a foreign language, he/she must be fluent in that language.

- CULTURE AND METHODOLOGY: All teachers must receive training in the college teaching preparation in awareness of culture and methodology of various language groups. This training will include the teaching strategies for all English learners. All forms of program options will be thoroughly explored.

- MONIES: Title VII monies for bilingual education and Chapter I monies should not be intermingled. The monies are to be used for the target group as they are identified.

- CONFLICT OF INTEREST: Authors, researchers, etc. would not be allowed to set up a program, evaluate the results and pursue speaking engagements while identifying themselves as independent spokespersons. Full disclosure would be required so fair and honest evaluations could occur.

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- ENHANCED CURRICULUM: All attempts will be made to develop an enriched and enhanced curriculum that not only allows for remediation but for stimulating and exciting academic subject matter.

- VALUE OF BILINGUALISM: Stress the value of being bilingual in our global society. Place emphasis on the teaching of English while striving to retain the native tongue.

Thank you for considering our views.

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Chairman KILDEE. Dr. Hakuta.

STATEMENT OF KENJI HAKUTA, CHAIR, STANFORD WORKING GROUP, STANFORD UNIVERSITY

Mr. HAKUTA. Mr. Chairman, Mr. Goodling and Members of the committee, it is an honor to appear before the subcommittee to testify about how ESEA can be improved on behalf of students who come to school with limited proficiency English.

I come here as the chair of an independent group of 22 individuals, and as we found out in the course of the process, they were in fact very independent, collectively known as the Stanford Working Group on Federal Education Programs for Limited English Proficient Students funded by the Nigi Corporation of New York. They vigorously deny, of course, any ownership of the ideas we produced. However, they allowed us to meet as a group over the course of a year to discuss many of the issues that might arise in reauthorization.

The working group, through our cumulative and collective experiences, embodied about all aspects of educational practice, research and policy as they relate to limited English-proficient students. To understand existing conditions and obstacles to reform, we drew on our experiences as master teachers, teacher educators, local, State and Federal education administrators, advocates and researchers while consulting widely with other knowledgeable individuals and data sources.

The resulting synthesis and recommendation are contained in our recently released report Blueprint for the Second Generation.

Throughout our deliberations, our analyses and recommendations have been guided by two overarching principles, both of which were alluded to earlier today.

One, language-minority students must be provided with an equal opportunity to learn the same challenging content and high level skills that school reform movements advocate for all students.

Two, proficiency in two or more languages should be promoted for all American students. Bilingualism enhances cognitive and social growth, competitiveness in a global marketplace, national security and understanding of diverse peoples and cultures.

These principles represent a marked departure from common practice. Currently the educational opportunities and outcomes for a large portion of the approximately 3.3 million LEP students in the United States are not good, to use a technical term. Languishing in school programs with low academic expectations and lack of attention to higher order thinking skills, many language-minority students are behind their peers in content areas at a time when performance standards are being raised throughout the Nation.

This situation is exacerbated by a fixation on teaching English as quickly as possible, which distracts from instruction in other subject areas.

Finally, most bilingual programs do not offer students the opportunity to fully develop their capacity in two languages at a time when the Nation critically needs a multilingual workforce.

Our review of the legislative and programmatic records of Chapter 1 and Title VII, while clearly noting the contributions of these efforts, indicated areas of concern. At a general level a mindset per-

sists that views LEP students, languages and cultures as obstacles to achievement, as academic deficits rather than as potential strengths to build upon.

This mindset permeates legislation, policy, planning and practice, despite strong evidence from educational research and practice that it is wrong. In fact, research shows that first, the potential to achieve high levels of cognitive functioning is a property of human species and therefore accessible to all children provided they receive high quality instruction and a challenging curriculum; and second, maintaining and developing the native language in no way interferes with English acquisition.

In fact, recent research refutes the common assumption that the amount of time spent learning a second language in school is the most important influence on learning it. Substituting English-only approaches for bilingual education does not necessarily expedite the process of acquiring English.

On a more specific level, regarding ESEA, many LEP students face barriers in access to and appropriate instruction in Chapter 1 programs.

For Title VII programs, the key issues are how best to invest the scarce funds to guides and leverage systemwide reform and how to maintain a focus on bilingualism as a national and local resource. To address these issues it will be necessary to overcome the current fragmentation of educational services for LEP students.

For example, States now play a limited role in Title VII projects, which in turn are rarely coordinated with Chapter 1, migrant education or other Federal-State or local efforts. Thus resources are disbursed, students' needs are only partially addressed, and no one is held fully accountable. Recommendations for Chapter 1 and Title VII are framed within a coherent policy and systemic reform.

To ensure that LEP students have increased access to Chapter 1 programs we propose targeting funds to high poverty schools or districts, requiring that all eligible LEP students be equitably selected for Chapter 1 services, and ensuring that instruction, materials and opportunities for parental participation are adapted to the unique needs of LEP students.

The Working Group believes that Title VII can be made more effective in this reauthorization by working in tandem with new Federal efforts to guide and support States to develop their capacity to ensure that LEP students meet high-performance standards.

The details of these recommendations are contained in the full report which I respectfully submit for the record.

Chairman KILDEE. It will be included in the record.

[The information referred to is on file at the subcommittee office.]

Mr. HAKUTA. In closing, let me suggest four key points that I hope will guide the reauthorization process. First, ESEA funds are scarce funds. They must be invested wisely in ways that build the capacity of local and State systems to address the needs of students intended to be served by these programs.

Second, the movement to raise standards for all students must really mean all students. LEP children are a growing proportion of the U.S. student population. We can and should draw upon our collective know-how to ensure their full inclusion in reform efforts.

Third, we have been trapped, we believe, in the past in an endless and often fruitless debate over the best language of instruction. I hope that this reauthorization can rise above this tired issue so that we can turn our attention to more substantive problems, how to provide language-minority students with an equal opportunity to learn challenging content and high level skills.

Finally, LEP students represent our best hope for high-level national competence in foreign languages. Let's not waste students that they bring.

Thank you for your attention.

Chairman KILDEE. Thank you, Dr. Hakuta.

[The prepared statement of Mr. Hakuta follows:]

TESTIMONY OF KENJI HAKUTA

ON BEHALF OF

THE STANFORD WORKING GROUP ON FEDERAL EDUCATION PROGRAMS FOR LIMITED-ENGLISH-PROFICIENT STUDENTS

House Subcommittee on Elementary, Secondary and Vocational Education

July 22, 1993

It is an honor to appear before this subcommittee to testify about how ESEA can be improved on behalf of students who come to school with limited proficiency in English. I come here as the Chair of a an independent group of 22 individuals, collectively known as the Stanford Working Group on Federal Education Programs for Limited English Proficient Students.

The Working Group, through our cumulative and collective experiences, embodies just about all aspects of educational practice, knowledge, and policy as they relate to limited English proficient students. Participants included individuals with deep and significant experience as master teachers, teacher educators, local, state and federal education administrators, advocates, and researchers. We drew on these experiences, worked very hard to understand the existing conditions and obstacles to reform, consulted widely with knowledgeable individuals in the field, and came up with the synthesis that I am pleased to report to you today. They are contained in our recently released report, *Blueprint for the Second Generation.*

Throughout our deliberations, our analyses and recommendations have been guided by two overarching principles:

1. Language-minority students must be provided with an equal opportunity to learn the same challenging content and high-level skills that school reform movements advocate for all students.

2. Proficiency in two or more languages should be promoted for all American students. Bilingualism enhances cognitive and social growth, competitiveness in a global marketplace, national security, and understanding of diverse peoples and cultures.

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These principles represent a marked departure from common practice. Currently, the educational opportunities and outcomes for a large proportion of the approximately 3.3 million LEP students in the United States are not good. Large numbers of LEP students are languishing in school programs with low academic expectations and lack of attention to higher order thinking skills. Many language-minority students are behind their peers in content areas at a time when performance standards are being raised throughout the Nation. A fixation on teaching English as quickly as possible detracts from instruction in other subject areas. And most bilingual programs do not offer students the opportunity to fully develop their capacity in two languages at a time when the Nation critically needs a multilingual work force.

Our review of the legislative and programmatic records of Chapter 1 and Title VII, while clearly noting the contributions of these efforts, indicated areas of concern. At a general level, a mindset persists that views LEP students' languages and cultures as obstacles to achievement–as academic deficits–rather than as potential strengths to build upon. In this regard, two damaging assumptions remain implicit in Federal and State policies: (1) that language-minority students who are economically and educationally "disadvantaged" are incapable of learning to high standards, and (2) that instruction in the native language distracts these students from learning English.

This mindset permeates legislation, policy, planning, and practice despite strong evidence from educational research and practice that it is wrong: (1) the potential to achieve high levels of cognitive functioning is a property of the human species and therefore accessible to all children, provided they receive high-quality instruction and a challenging curriculum, and (2) maintaining and developing the native language in no way interferes with English acquisition. In fact, recent research refutes the common assumption that the amount of time spent learning a second language in school is the most important influence on learning it. Substituting English-only approaches for bilingual education does not necessarily expedite the process of acquiring English.

At a more specific level, in terms of ESEA, many LEP students face barriers in access to, or appropriate instruction in, Chapter 1 programs. For Title VII programs, the key issues are how best to invest the scarce funds to guide and leverage systemwide reform and how to maintain a focus on bilingualism as a national and local resource.

In addressing these programmatic issues, the Working Group adopted the view that a necessary part of the change is to address the current fragmentation of educational services. For example, States now play a limited

role in Title VII projects, which in turn are rarely coordinated with Chapter 1, migrant education, or other Federal, State, or local efforts. Thus resources are dispersed, students' needs are only partially addressed, and no one is held fully accountable. Whether programs succeed or fail, lessons are rarely drawn that could benefit other educators. Further, the education of LEP students is not conceived as part of any larger mission. Programs to address their unique needs tend to remain "ghettoized" within State Education Agencies (SEAs), Local Education Agencies (LEAs), and schools.

The Working Group urges that reform of Chapter 1 and Title VII must be considered within a broader vision that enables the planning, implementation, and evaluation of reforms so that the present efforts can become part of a continuous fabric of school and system improvement activities. The first group of recommendations addresses how the Federal Government should actively encourage states to play new leadership roles in school reform. State efforts on behalf of LEP children must be part of a *comprehensive plan for systemwide reform*. The specific major recommendations are to:

- develop high content and performance standards for LEP students that are the same as those established for all other students, with full inclusion in the development process of persons knowledgeable about the education of LEP students;

- develop opportunity-to-learn standards adapted to the unique situation of LEP students;

- develop assessments of student performance and opportunity to learn that are appropriate for LEP students;

- develop a system of school and LEA accountability for LEP students that combines assessment of student outcomes and opportunities to learn; and

- make special efforts to ensure an adequate supply of teachers well prepared to educate LEP students.

With respect to Chapter 1, the Working Group supports the overall thrust of two major independent reviews of Chapter 1 programs (the Independent Commission on Chapter 1 and the Independent Review Panel of the National Assessment of the Chapter 1 Program). These reviews identified major problems for reform, including an overemphasis on remediation in basic skills rather than higher order skills, fragmentation of services and isolation of Chapter 1 programs from the general school

program, and failure to target funds sufficiently to significantly impact education in high-poverty schools and districts. Reform in each of these areas would greatly benefit all Chapter 1 students, including those who are limited in their English proficiency.

In addition, the Working Group offers the following major recommendations (contained in "Transforming Chapter 1"):

- require a State education plan that would include provisions to ensure that LEP students have access to the same challenging curriculum and instruction as all other children;
- increase access to Chapter 1 programs by targeting funds to high-poverty schools or districts and by requiring that all eligible LEP students be equitably selected for Chapter 1 services;
- reduce the school poverty threshold for schoolwide projects;
- ensure that instruction and materials are adapted to the unique needs of LEP students;
- set aside significant resources for staff development efforts to support the reforms and meet the needs of LEP students;
- promote and focus school improvement efforts through school and LEA plans that are developed through a broad participatory process that includes those with knowledge and experience in the education of LEP students;
- develop linguistically accessible activities to inform and involve parents of LEP students in the education of their children;
- develop assessment, school improvement, and accountability provisions that are consistent with the overall State standards, and that contain a graduated series of State and local responses to failing schools, ranging from technical assistance to direct intervention and even school closure.

The third group of recommendations concern Title VII. The Working Group believes that Title VII can be made more effective in its second generation by working in tandem with new Federal efforts to guide and support States to ensure that LEP students meet high performance standards. Specifically, the following major recommendations (contained in "Retooling Title VII") are proposed:

- redefine the role of the U.S. Department of Education's Office of Bilingual Education and Minority Language Affairs as: ensuring full inclusion of language-minority students in national reform efforts; developing technical expertise on the appropriate assessment of content mastery in LEP students; directing a national research agenda on bilingual development; and coordinating all Federal language education programs.

- enhance and improve the State's role in planning, coordination, program improvement, evaluation, dissemination of effective practice, and data collection;

- reformulate the types of grants awarded to schools and school districts so as to encourage innovation and limit fragmentation of services;

- give priority to program applications that promote full bilingual development, demonstrate consistency with State Plans, and provide innovative programs for underserved students;

- develop a comprehensive system of project self-study, evaluation, and research for purposes of program improvement and dissemination;

- bolster efforts to address the continuing shortage and often poor preparation of educational personnel who serve LEP students;

- create a new part of the legislation to support language conservation and restoration efforts in schools and school districts serving Native American students; and

- enhance Title VII's "lighthouse" role in language policy, particularly in promoting the conservation and development of language resources.

Our specific recommendations for Chapter 1 and Title VII are framed within this vision of systemic reform, and are contained in the full report, which I respectfully submit for the record.

In closing, let me state what I think are the key focal points that I hope will guide the reauthorization process.

First, ESEA funds are scarce funds. I hope that they can be invested wisely, in ways that build the capacity of local and state systems to address the needs of the students they are intended to serve.

Second, LEP students are a growing proportion of the student

population. I hope that the movement to raise standards for all students really means *all students*, and that we can draw upon our collective know-how to ensure their full inclusion in reform.

Third, we have been trapped in the past in an endless and often fruitless debate over the best language of instruction. I hope that this reauthorization can rise above this tired issue, so that we can turn our attention to more substantive problems -- how to provide language minority students with an equal opportunity to learn challenging content and high level skills.

And finally, LEP students represent our best hope for high level national competence in foreign languages. Let's not waste the opportunities that they bring.

Thank you for your attention.

Chairman KILDEE. Ms. Kile

STATEMENT OF MARCIA KILE, PROGRAM CONSULTANT, ESL SERVICES

Ms. KILE. Mr. Chairman, Mr. Goodling, my name is Marcia Kile. I am the program consultant for English as a second language for the Lincoln Intermediate Unit No. 12, which is in the 19th congressional district of Pennsylvania.

This is my fourteenth year of working with limited English proficient students. My experience includes providing ESL teachers to 12 school districts in Adams, Cumberland, Franklin and York Counties, and also in operating a summer intensive language program which is funded with Chapter 2 Federal funds. We have had this program for 5 years.

I would like to thank the committee for inviting me to testify on the reauthorization of Title VII. I consider this Title VII legislation a very important piece for children.

Since the passage of the Immigration Act of 1988, we have seen a dramatic increase in the numbers of LEP students arriving in south-central Pennsylvania. While the Pennsylvania Department of Education Chapter 5 regulations require school districts to provide either bilingual or ESL services to this ever-increasing population, they do not provide funding sources. Therefore, local taxpayers must assume this responsibility and have become increasingly resentful towards some minority populations that have come into the area.

These rural school districts have been unsuccessful in obtaining Title VII funding because of the system existing under the current law. The competitive process involved in obtaining these funds is usually awarded to larger consolidated school districts.

It should be further noted that Pennsylvania does not require specific certification for teaching bilingual or ESL classes. For example, a high school social studies teacher or a driver education teacher with an extra period during the day could be assigned as the ESL teacher for that period.

At the same time, teachers with master's degrees in ESL bilingual education have applied for positions in Pennsylvania. Some, after applying to the Bureau of Teacher Certification, were asked to take an additional 12 or 15 credits in order to become certified as teachers in Pennsylvania. These were teachers who had experience teaching bilingual and ESL in other States. Rural school districts find it very difficult to find competently trained ESL or bilingual staffs, and the districts are not used to dealing with LEP students.

As a general rule, the districts lack knowledge on how to proceed when a child comes in and does not know a word of English. We often get phone calls at our office, "What do we do? We have a child who speaks no English."

Pennsylvania has 501 school districts. The districts having LEP students are mandated to provide bilingual or ESL services. However, there is only one person at the Pennsylvania Department of Education who is designated to assure compliance with these regulations.

While we note that bilingual education, especially at the early childhood and elementary levels, is the most effective system to learn a second language, provisions must be made for small and rural school districts lacking concentrations of LEP students to utilize some ESL techniques. We at Lincoln Intermediate Unit have had very good success in the past years with students mastering English within 4 to 5 years, within content-based ESL programs, ESL taught through content area and through themes.

In conclusion, we would like to make the following recommendations. We would like to ask the committee to consider in the reauthorization of Title VII moneys that the funding process be changed from the current competitive grants system to a program of formula structure. This could be based on identified LEP students utilizing figures in the preceding school year.

We recommend that the following standards be used to identify LEP students, a recommended battery of recognized testing instruments, standardized test scores as well as consideration of home language.

We also recommend that the States be required to set standards of certification for bilingual and ESL teachers and that moneys be made available for intensive language programs during the summer months.

Thank you for the opportunity to present my views from a local perspective. I trust that it will in some way prove beneficial to limited English-proficient children.

Chairman KILDEE. Thank you.

[The prepared statement of Ms. Kile follows:]

STATEMENT OF MARCIA A. KILE, PROGRAM CONSULTANT, ESL SERVICES, NEW OXFORD, PENNSYLVANIA

My name is Marcia C. Kile and I am the Program Consultant for English as a Second Language (ESL) Services for Lincoln Intermediate Unit No. 12,Migrant Child Development Program in the 19th congressi .nal district of Pennsylvania. This is my fourteenth year of working with Limited English Proficient (LEP) students. My experience includes providing ESL teachers in 12 school districts in Adams, Cumberland, Franklin and York Counties and operating a Summer Intensive Language Program (SIKP), funded by Chapter 2 Federal funds, for the past 5 years.

I would like to thank the committee for inviting me to testify on the Reauthorization of Title VII. I consider this Title VII legislation a very important piece of legislation to meet the needs of the LEP students.

Since the passage of the Immigration Act of 1988, we have seen a dramatic increase in the numbers of LEP children arriving in small rural school districts in south-central Pennsylvania. While the Pennsylvania Department of Education Chapter 5 regulations requires school districts to provide either Bilingual or ESL services to this ever-increasing population, they do not provide any funding sources to help meet this high-cost initiative. Therefore, the local taxpayers must assume this responsibility for funding these programs and in turn the taxpayers become increasingly resentful toward some minority populations moving into their local communities.

These rural school districts have been unsuccessful in obtaining Title VII funding because of the system existing under the current law. Because of the competitive process involved in obtaining Title VII moneys, the moneys generally are awarded to larger consolidated and urban school districts.

It should be further noted that Pennsylvania does not require specific certification for teaching Bilingual and/or ESL classes. As an example, a high school Social Studies teacher or Driver Education teacher could be designated as an ESL Teacher thus the LEP student is denied instruction by a trained Bilingual or ESL provider.

At the same time, teachers with Master's Degrees in ESL and Bilingual Education have applied for positions in our area only to be told by the Pennsylvania Bureau

of Teacher Certification that they must take an additional 12 or 15 credits to be certified to teach in Pennsylvania.

Rural school districts find it very difficult to find competently trained ESL and/or Bilingual staff and the districts are not used to dealing with LEP students and their parents. As a general rule, school districts are unaware and lack the knowledge on how to proceed when an LEP student arrives in their school district.

Pennsylvania has 501 school districts. Those districts having LEP students are mandated to provide Bilingual or ESL services. It should be noted that while there are 501 school districts the State of Pennsylvania, there is only one person at the Pennsylvania Department of Education designated to assure compliance with the Chapter 5 Regulations.

While we know that bilingual education, especially at the early childhood and elementary levels, is the most effective system to learn a second language, provisions must be made for small and rural school districts lacking concentrations of LEP children to utilize ESL techniques.

We at Lincoln Intermediate Unit have had good success with ESL and have students mastering English within 4 to 5 years including content areas.

In conclusion, we would like to make the following recommendations:

We would ask the committee to consider in the reauthorization of Title VII moneys that . . .

(1) the funding process be changed from the current competitive grant system to a program of formula structure. This could be based on identified LEP children, utilizing figures from the preceding school year;

(2) the following standards be used to identify LEP students:

- a recommended battery of recognized testing instruments acceptable to USOE
- standardized test scores
- home language;

(3) the States be required to set standards of certification for Bilingual and ESL teachers; and

(4) that moneys be made available for Intensive Language Programs during the summer months.

Again, I would like to thank you for this opportunity to present my views from the local perspective and trust it will, in some way, prove beneficial to the Limited English-Proficient children.

Chairman KILDEE. Dr. Pena.

STATEMENT OF SYLVIA C. PENA, ASSOCIATE PROFESSOR FOR CURRICULUM AND INSTRUCTION, UNIVERSITY OF HOUSTON

Ms. PENA. Good morning. I want to acknowledge Representative Green for inviting me to testify today, but I am embarrassed that I have lived up to the stereotype of the absentminded professor: I have left copies of my written testimony on the airplane.

Mr. Chairman, reauthorization of ESEA programs is critical because bilingual and English as a second language program do make a difference. In spite of problems in the way programs have been evaluated and researched, there is still research that shows that these programs, that language-minority students in these programs do well given appropriate services; that is, they do well in English. They are learning English.

The Ramirez study, to cite a most recent large-scale, federally funded program, found that students in bilingual and immersion programs were reaching acceptable performance levels in spite of the weaknesses they found having to do with the lack of teaching higher critical-thinking skills. But in all programs, students were doing well in English.

One important finding is that parents were better able to help their children with homework in the late-exit programs because they shared a common language. Thus, the children did better in school than children in early exit or immersion programs where transition to English was very quick.

Another finding generalized from other studies, Dr. Hakuta, is that by bilingualism is associated positively with greater cognitive flexibility and awareness of language. At the university level, we have found that Title VII funds have helped many students to become first-generation college graduates. This argument has been construed as using this money to generate jobs for people. That argument has always confused me because isn't that the goal of education, so that people will finds good jobs? When we do not have Title VII funds at the university level, we see the enrollment drop because students cannot afford the expense of attending college.

If we have not been able to keep up with the demand, the need for trained teachers, it is also because students are choosing careers in other professions such as medicine, law and business. But even with the funds we can barely make a dent in the need for teachers because the appropriations cannot keep up with this need.

At the University of Houston, we only offer tuition and fee waivers and no stipends so that more students can enroll. As private institutions, however, have joined the competition for grants, the moneys available have become very stretched given the higher costs of educating students in private colleges and universities.

This leads to other justifications for reauthorization. You have already heard that the population for language-minority students continues to grow. Large urban school districts report 50 to 90 different language groups; but this is not to suggest bilingual instruction in 90 different languages, because they are also offering ESL programs which are effective.

Latino students constitute about 70 percent of the limited English proficient population in the U.S. One in 10 children in 1982 were Latino, while one in four will be Latino in the year 2020.

It is also clear that a large number of the language-minority students are educationally at risk. They may be raised in poverty, they may come from single-parent homes, they may be limited English-proficient, and they may be performing at lower levels. Language-minority students, however, are not at a disadvantage because of their backgrounds. They are at a disadvantage because of the schools. In schools, very often speaking another language is not considered a gift, is not considered an asset. It is quite expected of me, Sylvia Pena, to be bilingual but not of my colleague Judith Walker. For her it is terrific that she is bilingual.

Another problem the schools have is they have been very slow to adapt a curriculum. Schools lack the resources to meet the special needs of students. In Houston, the district has not been able to keep up with the growth so they have very crowded schools in very dilapidated conditions. They have difficulty in limiting class and school size. They have been unable to provide an enriched curriculum. They do not have the funding for art, music and foreign language teachers. What I think is another fundamental problem is that they are unable to provide teachers with adequate time for planning.

Additionally, universities have been unable to meet the demand for teachers. At the university level, we do not have funds for scholarships, we do have adequate funds to recruit and retain bilingual faculty, and we do not have adequate funds to establish support services for minority students.

Even at the university level, our teacher training programs do make a difference. We have found, for example, that many undergraduates who completed their degrees with partial support from Title VII return to the university to complete graduate degrees. They have become leaders in the field, serving in specialized roles such as program directors, curriculum coordinators, school principals, doctors, diagnosticians, counselors and university professors and researchers. More, however, are unable to enter graduate school because they cannot afford the expense.

In 1975, when I received my 1-year Title VII fellowship to complete my doctorate, I received a stipend of $450 a month. That is still the stipend that our doctoral students receive, so many have to either drop out or study part-time.

The current generation of undergraduates who are preparing to become bilingual ESL teachers among that generation were in bilingual and ESL programs in the public schools. They enthusiastically endorse those programs as making a difference in their ability to do well in the upper grades, to develop a good self-esteem, to stay in school and to choose to become teachers.

In short, bilingual and ESL teachers have made a difference, often in spite of restraining forces such as administrators, parents and others who are convinced that we can only learn in one language.

I should point out that if we ask the question of a parent or anyone else, Are you opposed to children learning in Spanish at the expense of English, of course the answer is going to be yes. That is not the appropriate question to ask. So just as more than 40 years ago UNESCO considered it axiomatic to teach students in their native tongue, today to me it is axiomatic that the Federal Government provide supplementary funds so that schools can better meet their mission; that is, to provide effective instruction such as bilingual and ESL programs to all children.

Children come to school just the way they are and not the way they are not. We must stop blaming them for being language different and get on with the business of providing optimal educational opportunities for them and all other children.

Thank you very much.

Chairman KILDEE. Thank you very much, Dr. Pena.

[The prepared statement of Ms. Pena follows:]

WELCOMING REMARKS TO DR. SYLVIA PENA FROM HON. GENE GREEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

I would like to welcome Dr. Sylvia Pena here today and thank her for making her expertise available on such short notice. Dr. Pena has remarkable credentials in the area of bilingual education and comes to us highly recommended by the Chancellor's Office at the University of Houston. I commend her comments to the members of the committee and look forward to an energetic discussion of this important subject.

I would also like to recognize the presence of Dr. Kathy Escamilla of the National Association of Bilingual Education (NABE). NABE held a very successful conference in Houston this past spring which was attended by Congressman Becerra and 6,000 supporters of bilingual education.

Dr. Sylvia Pena is an Associate Professor for Curriculum and Instruction at the University of Houston. She received her doctorate and masters degrees from the University of Houston and her undergraduate degree from Texas A&M.

In 1974, Dr. Pena served as a preschool intern at Janowski Elementary School in Houston in my district. She has also taught at Memorial High School, Spring

Woods High School and Rice University. She currently specializes in teaching curriculum and instruction courses for Spanish and Bilingual Education.

Dr. Pena has been widely published on issues related to bilingual education, early childhood influences and language instruction in the classroom. (A full biographical is attached.)

STATEMENT OF SYLVIA CAVAZOS PENA, ASSOCIATE PROFESSOR, UNIVERSITY OF HOUSTON, TEXAS

Reauthorization is critical because bilingual/English as a Second Language program do make a difference:

In spite of problems in the way programs have been evaluated and researched, these programs have shown that language-minority students can do well given appropriate services.

The Ramirez study, to cite a most recent large-scale, federally funded program, found that students in bilingual and immersion programs were reaching acceptable performance levels in spite of the weaknesses also found.

One important finding is that parents were better able to help their children with homework in the late-exit program because they shared a common language. Thus, the children did better in school than children in early-exit or immersion programs.

Another finding generalized from other studies is that "Bilingualism is associated positively with greater cognitive flexibility and awareness of language.

At the university level, we have found that Title VII funds have helped many students to become first-generation college graduates. Without the funds we see the enrollment drop because students cannot afford the expense of attending college. If we have not been able to keep up with the demand for trained teachers it is also because students are choosing careers in other professions such as medicine, law and business.

But even with the funds we can barely make a dent because the appropriations cannot keep up with the need. At the University of Houston we only offer tuition and fee waivers and no stipends so that more students can enroll. As private institutions joined the competition for grants, the moneys available became stretched given the higher costs of education at private colleges and universities.

This leads to other justifications for reauthorization:

The population of language-minority students continues to grow:

Large urban school districts report 50 to 90 different language groups; but this is not to suggest bilingual instruction in 50 to 90 groups for we must remember that ESL programs are also effective for certain LEP students or where no bilingual teachers are available.

Latinos constitute about 70 percent of the LEP population in the U.S.

One in 10 children in 1982 were Latino, while one in four will be Latino in 2020.

A large number of the language-minority students are educationally at risk.:

May be raised in poverty,

May come from single-parent home,

May be LEP,

May be performing below grade level.[22] Language-minority students, however, are not at a disadvantage because of their backgrounds, but because of the schools:

Speaking another language is not considered a gift;

Schools have been slow to adapt the curriculum.

The problem is that schools lack the resources to meet the special needs of students:

Difficulty in building enough schools to keep up with population growth,

Difficulty in funding adequate facilities,

Unable to provide an enriched curriculum, e.g. funding art, music and foreign language teachers at the elementary and middle school levels,

Unable to provide teachers with adequate planning time.

Additionally, universities have been unable to meet the demand for trained teachers:

Lack of funds for scholarships,

Lack of funds to recruit and retain bilingual faculty,

Lack of funds to establish support services for minority students.

But as mentioned earlier, the teacher training programs do make a difference. We have found that many undergraduates who completed their de-

grees with partial support from Title VII returned to the university to complete graduate degrees. They have become leaders in the field, serving in specialized roles such as program directors, school principals, supervisors, curriculum coordinators, diagnosticians, counselors and university professors and researchers. More are unable to enter graduate school because they cannot afford the expense. In 1975, when I received a Title VII fellowship to complete my doctorate, I received about $450 as a monthly stipend. Today that is still the stipend we can offer doctoral candidates for there are no funds available to supplement that stipend from university budgets.

I should also point out that among the current generation of undergraduates who are preparing to become bilingual/ESL teachers, we are finding that some of them were in bilingual or ESL programs in the public schools. They enthusiastically endorse those programs as making a difference in their ability to do well in the upper grades, in developing self-esteem, in staying in school, and choosing to become teachers.

In short, bilingual and ESL teachers have made a difference, often in spite of restraining forces:

Administrators, parents and others who are convinced that the only language one can learn in is English,

Lack of adequate resources (trade books, concrete materials, and even paper, transparency film and the like),

Negative attitudes of colleagues towards bilingualism and special language programs.

So just as more than 40 years ago UNESCO considered it axiomatic to teach students in their native tongue, today it is axiomatic that the Federal Government provide supplementary funds so that schools can better meet their mission; i.e. to provide effective instruction to all children and in this case to language minority students who need to be in bilingual education programs.

Children come to school just the way they are and not the way they are not. We must stop blaming them for being language different and get on with the business of providing optimal educational opportunities for them and all other children.

Chairman KILDEE. Dr. Feliz.

Dr. FELIZ. Mr. Chairman and Members of the subcommittee, I am Dr. Feliz, an anesthesiologist at a hospital in Boston. I am a product of bilingual education. I feel honored to have the opportunity to address the committee.

As I sit here listening to discussion that has gone on about the failures of bilingual education, this is not the bilingual education I remember. Some of the statements make me feel that they are a complete contradiction to me as a person, they are a complete contradiction to me and my achievement. Personally, I find some of the remarks made here with regard to the failure of bilingual education offensive.

For example, you ask here, where is the proof bilingual education works? I am the proof. I went through bilingual education and have been very successful because of it. When I think back to other friends of mine who also went through bilingual education, many names come to mind, all bilingual students who went through bilingual education and are very successful at the particular communities in which they reside.

Bilingual education was a critical decision that made the difference in myself between being a success or being a failure. Literally it was the difference between life and death in my case. But to better understand how critical bilingual education was with regard to my education and my professional development, it is important to understand where I came from and some of the troubles that my family went through initially before we encountered bilingual education.

I was born in the Dominican Republic, Santo Domingo, and emigrated to the United States at 10. In Santo Domingo I used to love

school. They called me the little brain. I used to always get As and was very bright. However, when I arrived in the United States in 1975, I was enrolled in the fifth grade in an English-only classroom in Boston and no one spoke Spanish, and my first encounter with the American education system was this wall that all of a sudden this bright kid had to face and all that excitement, all that positive attitude that I had for education turned into an amazing frustration.

It is so frustrating, for example, to know something at the age of 10 like when I came, and be in a classroom where the teacher is discussing something that you have an idea what he is saying but yet you are not able to communicate with the teacher. They think you are stupid. There were times I thought I was there as a mute, I couldn't communicate, I was dumb and the other kids used to say "dumb kid." I used to try to hide at the back of the classroom.

I started getting depressed and discouraged about school. I was no longer in Santo Domingo; I was here flunking school. I felt lost. There was a time that I was in my earth science class in this school and we were taking an exam and the teacher was dictating to us and he kept saying in English, "Carbon." He was referring to the carbon atom, the molecule. In Spanish carbon sounds like carbone meaning charcoal. I understood charcoal, so I said charcoal. This was an exam and I flunked. For the first time at the age of 10 I had flunked an exam and saw a big "F" written on my paper. I said, I have had it; I am going home. I told my mother, "This is it.

I have three brothers in the same situation. We were bused home and I told my mother, "This is it, I am dropping out of school." Knowing my mother, that is not the kind of thing you tell my mom. My mother is a rock, and every morning from then on for the next several months it was a struggle for her to get myself and my three brothers up from bed every morning. She tried to communicate with the school to let them know and see if she could find a solution to the problem. Every time she called she couldn't communicate with the school. She started getting discouraged. My mom does not get easily discouraged.

What finally saved me from literally dropping out of school and my brothers was that one Thursday I was in the same classroom and a teacher from Puerto Rico came to the classroom and she approached me and says, "We are going to pull you out of this classroom." That was in 1975. We are going to put you in a classroom where you will be taught in Spanish and English. In retrospect, that teacher to me was like God because she gave me a second chance for my education.

I have gone from a kid at the point of dropping out of school to a highly trained physician working at one of the top hospitals in Boston. From that point, from the fifth to sixth grade, I was there in bilingual education from the sixth grade until my junior year of school. In bilingual education I learned English to the point that when I finally, at the grade of 11, made a decision to go to an American classroom I was placed in an English honor classroom. When I made a transition, I felt I was confident enough to make the jump without any regrets.

I think that, for example, it is one thing to speak English but it is a completely different thing to speak English well enough to understand, for example, the writing of William Shakespeare. I graduated from high school with honors, obtained a scholarship to attend Boston University and from there I went to Dartmouth Medical School in New Hampshire. I finished that and I am finishing my last year of anesthesiology residence, and in 10 months I will be a full-fledged anesthesiologist.

The value of being bilingual for me as a physician, it has definitely made me a better physician. As an example, last year, in 1992, I was doing what we call the pain clinic. I was the pain doctor in the hospital. I was going to do a consult on a patient that was having post-surgical pain. I realized that she was communicating with another doctor who didn't speak Spanish and they were not communicating well. She was saying that her heart rate was going too fast, that she was feeling short of breath and that she was having a lot of anxiety and apprehension. I went back to check our records and her diagnosis at that time as tachycardia. From what I know about medicine, I went back to the room and told the physician, "Let me translate this to you. This is a post-surgical patient giving you this complaint." He said, "We need to do quick tests."

Luckily this lady ended up with a diagnosis of pulmonary embolism, but because of the problem with communication, the doctor was not getting the history. And therefore, I feel the patient got the correct treatment, the correct medication, and hopefully she was prevented from having a very critical end to her life at that moment.

To conclude, I would like to say that I would like bilingual education to continue just to give other kids who are coming behind me and those who are there now to have the same opportunity that I had, because it works and I am the proof that it works.

Thank you.

[The prepared statement of Dr. Feliz follows:]

STATEMENT OF ROBERTO FELIZ, MD, BETH ISRAEL HOSPITAL

Mr. Chairman, members of the subcommittee, my name is Dr. Roberto Feliz. I feel very honored to testify this morning on a topic of critical importance to students who come to school speaking a language other than English. That topic is bilingual education. In my schooling and learning, bilingual education was the difference between life and death.

I was born in the Dominican Republic and lived there until I was 10 years old when my family moved to Boston. In the Dominican Republic, I loved school and was said to be a "cerebrito," or very bright child, always earning As in school.

When I enrolled in the Washington Irving school in Boston, I was placed in a monolingual English fifth grade classroom in a program designed for native English-speakers. With the exception of one or two children, no one in the school spoke or understood Spanish.

I hit the wall of English, and within no time, the excitement that I associated with schooling turned to agonizing frustration. I can't explain how frustrating it is to know something, and know that you know it, but to be unable to communicate your knowledge in a classroom.

I vividly recall taking an exam in my Earth Science class. The teacher was dictating and saying "carbon, carbon," referring to the carbon atom and molecule. All along I thought that he was saying *carbon* which means charcoal in Spanish. This is just one example of how lost I was in science class, and needless to say, I flunked the grade and saw for the first time ever, a big "F" written next to my name. I can't tell you how depressed and discouraged I was in school. Not only was I not learning, but teachers treated me as if I were stupid, they had no way of knowing what I

knew. And children, as you know, can be very cruel. They called me stupid and dumb.

My mother tried to help me. She felt even more frustrated than I did. Each day she would struggle to get me and my older brothers to go to the school where no one understood us, the school we were failing in; the school we had come to hate. My mother's efforts to talk to my teacher were met with the same wall of silence that I encountered. As much as she wanted to and tried, my mother could not help me in the English-only school.

One day in my second year of school, a woman named Ms. Malave came to my classroom and told me that I was going to be placed in a classroom where I could learn in both English and Spanish. On that day, Ms. Malave seemed like God! And today, Ms. Malave still seems like God, for she gave me a second chance at my education. You see, for me, bilingual education was the difference between life and death in my learning. If Ms. Malave had not saved me, I know that I would have dropped out of school.

I was enrolled in a bilingual education program from the sixth grade until my junior year in high school. While I was developing my English skills, I was able to learn math, science, social studies, even American history, through my native language.

Learning enough English to carry on a routine conversation is one thing; learning enough English to be successful academically in a monolingual English classroom is quite another. For me, it took five years of bilingual instruction before I was prepared to succeed in an English-only classroom. I remember trying to take a tenth grade literature class in English. I knew English, but was absolutely bewildered by the English of Shakespeare. I quickly got out of that literature class, finishing the tenth grade in the bilingual program. In the eleventh grade, I found that I was truly ready to make the transition to an English-only program and made the transition successfully. Indeed, I was enrolled in an honors program.

I graduated from high school with high grades and test scores, and won a Presidential Scholarship to Boston University where I received my bachelors degree in computer science. Since graduating from Boston University, I earned an MD degree from Dartmouth College. And now I am completing the last year of a four-year residency in anesthesiology at Beth Israel Hospital, a Harvard University Teaching Hospital.

As I have said, bilingual education was the difference between life and death in my learning. As a medical doctor who is bilingual, I know that bilingualism can mean the difference between life and death for many patients.

In Boston, many hospital patients are limited in their English proficiency. Sadly, most doctors are not able to communicate effectively with these patients. Being bilingual has allowed me to serve some of these patients more effectively.

One case that particularly comes to mind was a patient who had been misdiagnosed as having what we call tachycardia of unclear etiology, in plain English, that's a fast heart rate that couldn't be explained. I overheard the patient explaining in Spanish the fact that she was having trouble breathing, felt her chest pounding, and was very anxious. Her doctor understood next to nothing she was saying. When I translated her symptoms, the Doctor agreed with my observation that this patient, a post-surgical patient, was a prime candidate for a pulmonary embolism, or a blood clot in the lung. He immediately ordered the necessary tests which confirmed our diagnosis. Fortunately, this patient was given anticoagulants and lived. In medicine as in education, bilingualism can spell the difference between life and death.

My medical colleagues are constantly asking for my Spanish services so that they can communicate with their patients. I am happy to do so; it is just one more way that I can repay the second chance to learn that Ms. Malave gave me. Being a bilingual doctor has made me a more valuable doctor, one who is able to help more people.

My hope is that you, America's lawmakers, will ensure that the children who are in school today and the children who will come to school in the future have the same opportunities that I had—the opportunities to learn that are provided through bilingual education. For students who come to school speaking a language other than English, these opportunities are quite literally, the difference between life and death.

Chairman KILDEE. Thank you very much, Dr. Feliz.

That road from when you were 10 years old to today has been a very successful road, and I hope that some of the programs that we have enacted here in Congress have been helpful to you. We labor, we struggle, we question ourselves at times, but it does make

us feel good when we see that a program that we have enacted here has touched someone's life not only personally but touched all the lives that you will serve in your professional capacity.

I appreciate the testimony. It is a very good panel.

First of all, Dr. Hakuta, where is the accent in your name?

Mr. HAKUTA. It is Hakuta.

Chairman KILDEE. I heard Dr. Pena pronounce it correctly.

Mr. HAKUTA. She did very well.

Chairman KILDEE. Dr. Hakuta, let me ask you this question. Your testimony seems to be implying that we need to shift the debate in bilingual education to the question of how to best help ensure that English-limited proficient students reach high achievement levels rather than focusing exclusively on how fast these students learn English. Is that correct?

Mr. HAKUTA. Thank you. I have to first begin by remarking on Congressman Serrano's comments earlier about how if you were to look into families of—in the home lives of many immigrant and minority families that what you find is a tremendous amount of English going on; in fact, one of the struggles is really how to maintain the native language rather than there being some kind of a conspiracy going on by various groups to maintain English. I happen to, unlike the real Dr. Feliz, I am not a real doctor, which is why on airline tickets I never ask that doctor be placed in front of my name, because if somebody has a heart attack on the plane, I will be embarrassed. I do research. A lot of the research I do has to do with families.

The issue is not one of whether these families are in some way being prevented or refuse to learn English. In fact, one of the studies that was alluded to earlier compared different types of bilingual programs and including immersion programs. Across all of them they are learning English at pretty much the speed limit within limits of human learning, somewhere between 3 to 7 to 8 years. Kids are learning it at the speed limit, and as they learn it they are preferring English use with their friends.

So putting aside the issue of English is going to do a lot I hope to shift the nature of the debate away from English or not English to high standards and how do you try to tie access for these students to the kinds of things that we are talking about in school reform, the study not only found that kids were learning English pretty much at the same speed across these programs but also that all those programs, they were pretty much low level skills that were being taught.

That is the real challenge: How do we get challenging science, math, language arts to the students. I hope that the focus will be how to include limited English-proficient students in those programs for one issue, and the second issue is how do we value and try to develop the bilingualism of these students which is a natural resource. And we tend to be distracted from that problem because we keep focusing on English.

Chairman KILDEE. I appreciate that particular point. I have been involved in bilingual education now for about 28 years I think, and I think your emphasis upon helping those students reach high achievement rather than how fast they may learn a language is

something that will help guide us in our deliberations here, and we appreciate that.

You heard two bells. I was ready to call upon Mr. Becerra. We have to go over and vote. If you could be patient, we will be right back and begin again our questions.

Thank you.

[Recess.]

Chairman KILDEE. Before we resume our deliberations, I think the Chair will bring attention to the fact that Mr. Green's staff person, Robert Scott and his wife Christie are here with their new baby, Jonathan Tyler. They are starting him very early, just a few weeks old.

Mr. Becerra.

Mr. BECERRA. Thank you, Mr. Chairman.

If the Chairman will indulge me, I would like to read at least a portion of my opening statement. It is for me a great pleasure not only to serve on this particular committee but to be able to deal with the issue of the reauthorization of the Elementary and Secondary Education Act.

Of course, it is a real pleasure to be able to serve under this particular Chairman, Mr. Kildee. I believe that Mr. Kildee oftentimes is too modest. I don't think you have mentioned that you were, I believe, the first person in your State to author the Bilingual Education Act for Michigan. I think you deserve a great deal of credit for the work you have done over many years.

We tend to forget the staff, and I would like to make sure I recognize some of the folks who have done tremendous work. The person sitting to my right, Susan Wilhelm, the staff director of the subcommittee has done tremendous work and been an extreme collaborator with the folks on my staff. Tom Kelley, Jeff McFarland, Margaret Kajeckas and Bessie Taylor of the subcommittee staff have also done tremendous work. I would also like to make sure I mention thanks to John Fitzpatrick and Andres Irlando from my staff who worked very hard on this committee.

I believe there are a few essential principles in the reauthorization of the Elementary and Secondary Education Act that we must keep in mind. The first one would be to provide increased spending for quality programs in teaching English to English-limited proficient children. Second, make sure we highlight achievement in traditional academic courses. And third, to offer the development of multilingual skills for all students.

I look forward to hearing a couple of answers to some questions I have, but let me point out a few things I think were not mentioned that I think are worth mentioning. We have seen a dramatic increase in the number of Americans speaking a language other than English over the past decade. According to the Census Bureau, more than 31.8 million people age 5 and over said they spoke a language other than English in 1990 compared to 23 million in 1980. I know that by the next census there will be one additional person in that list who will be bilingual because my wife and I will do everything we can to ensure that our newborn daughter is fluent not just in Spanish and in English but hopefully a third language as well.

I want to make sure I applaud not just my daughter but also Chairman Kildee, and Congressman Green who are both bilingual. I have heard Mr. Kildee and Mr. Green speak Spanish at times, and they are bilingual.

Our Nation's economic future hinges upon our ability to harness the skills of all our citizens to compete in the competitive global market of the 21st century. We need to encourage, not discourage, multiculturalism and multilingual ability.

I see the expansion of bilingual education as one of keys to a prosperous future for this country. We must empower all our citizens, be they Native Americans in the Southwest, Haitian immigrants in New York, Hmong transplants in Providence, Native Hawaiians in Honolulu, Latinos in Texas or Asian-Americans in California.

America's greatest strength is its diversity. I look forward to working with the Clinton administration to expand and improve bilingual education.

The past 12 years have been extremely difficult ones for proponents of bilingual education. Since 1980 funding has decreased by 45 percent when adjusted for inflation for bilingual education. That is difficult for any program to swallow, even considering that the entire school enrollment for that period declined by 4 percent during the same period. But when you consider during the same period of time the number of children speaking a language other than English did not shrink—it grew 41 percent over that same decade—you can see the real problem bilingual education has had.

Currently Title VII, which serves less than 10 percent of the children, needs to be funded at a greater level. This situation of course must change, and I believe that with the commitment of people like Chairman Kildee, the administration and individuals like Secretary of Education Richard Riley, we will have success. I am confident of that.

I thank the Chairman for giving me a chance to enter into the record some remarks.

I would just like to ask a couple of questions.

Dr. Feliz, I thank you for coming and taking the time to be here. There are a number of patients who I suspect would like to have you there versus here. Can you tell me what your feeling is—I mentioned at the beginning of this hearing that I sense from my background and people that I know that immigrants feel it is so essential we understand English, more so than the American public does. What is your sense of the feelings of native or not native language speaking Americans or emigrants when it comes to the issue of attaining proficiency in the English language?

Mr. FELIZ. You have to look at where we came from. In Santo Domingo, communication was important. It was given in Spanish. When you come here, the reason my family decided to come here was because of better opportunity. When you come here, it is so essential for me to learn English because it does give me a better opportunity. So at my house it was required; you need to learn English. It is still required.

You need to learn English because that is the only way you can go to college, the only way Dartmouth will accept you into medical school. However, it is important for me to retain my Spanish be-

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cause as a person I feel that if I learn English at the expense of Spanish, I would no longer be Roberto; I would be someone else. Who I am literally is who I was in Santo Domingo. When I came here as a kid, I was already made up. I was not a 2-year-old, a sponge. I already had values, had been educated there and deeply who I was as a human being was developed in Santo Domingo. So when I came here, yes, I needed to acquire English and it was important because of the opportunities it would give me, but I still need to maintain my language and continue to need more opportunities, as I stated here.

I think the so-called North Americans that most of the time focus on just one language, a lot of times their experience is somewhat different from ours. If you haven't traveled a lot, you think English is enough. I think when you begin to travel you realize that there are many other languages which at times become more important than just English. My next challenge is to learn French, for example. That is my comment.

Mr. BECERRA. Thank you.

Dr. Pena, what can we do on the Federal level to try to encourage colleges and universities to place more emphasis on producing teachers who are bilingual or at least go into the classroom once they have graduated and teach those who are limited English proficient?

Ms. PENA. In Texas and in States that have large populations of limited English proficient students, I do not feel reticence on the part of colleges and universities to place an emphasis on the training of these teachers. The problem is money. The problem is that in teaching we are having to compete for students who are now choosing other careers and not education, and we are having to compete with all the negative press regarding not just how terrible it is to be a teacher because of the problems in schools, all the social problems that we are hearing about now, guns, assaults on teachers, et cetera, but also all the negative press regarding bilingual education programs.

What you can continue to do is to continue to fund the educational personnel training programs and the fellowship programs so that we can offer the students the funds to be able to attend the university.

Now, with all due respect to my colleagues in private colleges and universities, I take issue with providing funds for students in private colleges and universities at the level that they require. In other words, if a student has to go to a private school and they have to pay, let's say, $10,000 a year at the University of Houston, it may be less than $1,000. Since we are now competing at the universities with private institutions for these funds, that means there is less money to go around.

Last year I believe only 23 new educational personnel teacher training programs were funded across the Nation. The funding is small, and when you open up the pie to private institutions it gets even smaller. I am not suggesting that private institutions not be able to compete for these grants and moneys, but that they be capped so that students cannot receive more than, let's say, in a public institution

Mr. BECERRA. Dr. Hakuta, and thank you for advising us as to the pronunciation of your name, based on your many years of research and study in the field of bilingual education, could you comment a bit more on the question of utilizing a student's native language and whether that is a detriment in educating that person and in having that person be able to learn English?

Mr. HAKUTA. It is the question that has defined research on bilingual education: What is the best method? Fortunately I was on a national academy panel that looked at the past record of the Department of Education in the studies that it has funded to ask the question of what is the best method, and the panel mostly consisted of applied statisticians who are generic research design people, and the general conclusion of that group in looking at that research was that after millions—I believe the two studies that we looked at were $12, $14 million or so over 5 years, looking at this question of what is the best method, that the flaw is really more with the research design and the approach towards asking those questions than it is about the programs themselves.

That is, it is extremely difficult to ask that question, which can only really be asked in a controlled experimental way. But there is really in principle no reason we can't do it. They do it all the time in medical research where you don't have complete controlled experiments, yet we have not been able to address that question adequately.

The panel did look at areas where valid conclusions could be drawn from the data and they certainly suggest, number one, that say this non-native instruction is certainly not a detriment, that kids were learning as much English as kids in English-only programs, and also in places where the valid comparisons are made. Contrary to what one might expect, students in transitional bilingual programs were ahead of students in immersion programs in English which is contrary, because one would think if you spend more time learning English you will be better at English.

So the bits and scraps we can make out of it, which is probably not worth $14 million, but we have already spent the money, that suggests that bilingual approaches do work. Again the question is, unfortunately, most of these studies did not address as much as we would like the question of academic content and the nature of instruction. That is what we ought to be focusing on, not whether kids are learning English.

Mr. BECERRA. Let me follow up on that. A point you made about those in the dual language approach in some cases were at a more advanced stage in their comprehension of English than those that were only in the English-only approach, I think that goes back to emphasize that bilingual education is not for the purpose of teaching people Spanish; it is for the purpose of letting them learn all subjects at the same time you are transitioning to English.

The attitude that bilingual education is to teach people another language I think is a fallacious one.

I will reserve any further question.

Mr. HAKUTA. I think in addition it becomes even more critical because as we talk about higher standards, as we talk about higher order skills for students, the ability to use whatever we can and often it is going to be if we have the appropriate well-trained staff

to do it, then native language instruction it would seem would be really critical.

I should say that that is also an area where we don't have much information, but I would hope that we could move away from the issue of language and get into the issue of higher order skills.

Chairman KILDEE. Thank you.

On that point, I think the subcommittee would look forward to working with you, Dr. Hakuta, on the question of raising standards, the whole ESEA bill, because your studies have gone into an issue broader than bilingual education. So we may be contacting you again as we work through the bill.

Mr. Green?

Mr. GREEN. Thank you, Mr. Chairman.

I did forego my opening statement earlier to be brief. I would like to thank the committee Members and also our witnesses here this morning.

Bilingual education for many students in my district and particularly in the State of Texas is their only chance for a quality education. A student who enters our educational system with limited English skills simply cannot be thrown into an English-only classroom and expected to understand the material presented.

My wife is a high school teacher in a high school north of Houston, a tri-ethnic high school, and she had experience with trying to immerse in algebra Central Americans who for some reason, even though math is one of the easier to do, it was impossible, and her frustrations—in fact, this summer she took an intensive Spanish course at the University of Houston to try and be able to communicate next year to these students.

I realize that many of you who are from parts of our country where there are few non-English students have difficulty understanding the need for this program. However, please understand that bilingual education represents a lifeline for students who otherwise would be omitted from our education system because of their limited English ability.

I relate this to my own learning experience as a product of a Houston independent school district that was a majority Hispanic school in the 1960s and still is a majority Hispanic to this day. There are those who would argue that children should be immersed in English and say for them to sink or swim.

I ask any of you—my children are teenagers. I won't throw them into a pool and ask them to sink or swim in swimming any more than I would in English or Spanish. Bilingual education buys time for a student, time that would be wasted while the student struggles to understand English and is saved by instructing in other languages while the student continues to learn English.

Without this program the students would lose the time and information obtained in their math and science and history and every other subject instead of moving forward with the rest of their classmates.

The best testimony this committee can hear is the actual stories of people who are living proof that this program works. Dr. Feliz, I think you are a great example.

I have two examples that recently have come to my attention in my district who came to our country with no English skills at all

and enrolled in a bilingual program in two high schools in Houston, one Austin high school, and that young lady, and after 2 years of being a part of the program, she won the congressional art competition in my district and is going to the University of Houston to be an art teacher. She has spent 2 years here and she speaks English very well succeeding in her class.

The other day we had a district hearing in Houston. We honored a young man who was in the same situation from a different part of Mexico, but he is graduating with honors and also received a Discover Card scholarship, so he will be able to go to college this fall on a scholarship; yet he was part of the bilingual program through the Houston school district. Both these students are examples, just like Dr. Feliz is, of the need and the success of the program and the need to continue expansion. The programs have become an essential part of many States such as Texas, who are seeing increasing numbers of limited English proficient children.

The fact is that the Hispanic population in our country is on the rise over the next decade. Either we can welcome these people and assist them through education programs such as bilingual education, or we can ignore them and risk alienating a substantial part of our population.

Again, I was a product of a school where that alienation was there in the 1960s before bilingual was available. I ask each of you on the committee to give thorough consideration to expanding the program.

Particularly I would like to welcome Dr. Pena. Dr. Pena was an intern at an elementary school about six blocks from my house, although years ago, and she has been teaching at the University of Houston but she was a high school teacher, has taught high school and is an instructor at the University of Houston in training bilingual educators. The important part of it is that she has known experience in the classroom but also in training teachers, because that is where the problem is in Texas and in a number of other States.

I have staff members who have moved with me to Washington who are bilingual and there is no shortage of bilingual teachers here; in fact, they are at a premium in the Washington area, so it is no problem getting jobs for some of the spouses of members who have moved here, so it is not just in Texas but around the country.

Dr. Pena accepted on short notice to be here and I appreciate that, and she is highly valued by our chancellor at the University of Houston.

Thank you, Mr. Chairman.

I have a couple of questions. Anyone on the panel could answer them, with one other comment. I appreciate, Ms. Kile, your suggestion that we include bilingual into the formula. When you said that I was kind of grinning because I have a formula bill and that is another little kicker we could put in to drive more money to California and Texas if we required that.

I would like to support that, but that is not part of it. That might be biting off more than I could chew. One of the concerns, and I know Ms. Peterson expressed it and I have defended it for 20 years as a legislator, the concern that students actually graduate from

high school without learning English, and I have yet to see that in any of the high schools that I have represented.

By the way, Ms. Pena, I read a couple of months ago to a kindergarten class. One of the classes was bilingual and the other was not. I was surprised to an extent that the bilingual kindergarten class was much more attentive. Afterwards we asked questions about what you do in Congress. Sometimes it is hard to explain to constituents, much less kindergarteners; but they were much more interested. These were children who were just beginning a bilingual program.

Can you relate to any of your experiences as teachers—Ms. Peterson, there is someone who has gone through LA schools that received an education and were not—couldn't speak English when they graduated. I have yet to see that happen, but I hear that is a fear from a lot of people.

Ms. PETERSON. Our major contention is the fact that 25 years ago we had a 40 percent dropout rate and now 25 years later, 40 percent of our students are dropping out, Hispanic students before the 10th grade. So therefore there are students who are locked into the bilingual programs who are not given adequate services. Those are the students we are talking about. Only 3 percent of our Hispanic students go to college. We have to do something to change that around.

Mr. GREEN. I agree. In fact, the percentage at least in Texas are Hispanic students are about 45 percent, 40 percent African-American students, but 35 percent Anglo students are dropping out in Texas. There are problems in Hispanic communities and African-American but also our whole educational system.

In Texas, we raised the dropout age to 17 and we just moved it back a year. There are mentor programs we have worked on to try to develop that—a student doesn't drop out when they are 16 or 17, they develop that in sixh or seventh grade. That is where we need to stop it. A lot of districts are making that effort.

Ms. PENA. Mr. Green, to say that because we still have a 40 percent dropout rate, that bilingual and ESL programs don't work, one can't generalize that way. First of all, the bilingual and ESL programs are primarily targeted for a small portion of students who need the programs; so there are many not being served by either bilingual education for English as a second language and the vast majority are in elementary education programs so that they exit sometimes as early as the first grade. That means that beyond that, say they exit at the third or fourth grade, from there on they are in an English-only program.

So if we want to put blame maybe we could say that the problem must be beyond the fourth grade because we have shown from the data that the students in the programs do well in bilingual education and the English-assisted language programs.

I am working now in an elementary school in Houston that is in a very depressed area. There are no sidewalks, there are open ditches, lots of garbage, there is no city park, there are no medical clinics in the area, no large supermarkets, no shopping centers nearby. There are seven bars near the school and we told the parents that that would be a problem because we promised them that at the end of the pre-K&K program that these children would be

able to sight read, and in fact they did, because the parents would come to me and say, sure enough, my 4-year old said la facita lounge. Mommy, what does that mean? The mother now has to deal with that because it has lots of sexual overtones.

The problem with the school building is that it is an old building. They lack a lot of resources. But we were able to get a small grant to support four bilingual classrooms. In the State test in the spring, 9 percent of the fourth graders passed all tests of the State level tests. The principal and the teachers were very scared that the school would be vacated because of poor performance. However, the following Monday they received a letter from the State of Texas indicating that they were one of 131 schools cited for excellence in performance gains because of the performance of the third graders.

I haven't really looked at the data yet, but they did. They showed that in fact it was the children who were in our experimental program in the second grade who went on to third grade, did so well in the State test that it caused the school to be cited as one of 131 schools with performance gains.

What we are seeing with the children in this program is in fact they are more attentive. The other teachers who do the remediation, especially the art teacher, can tell that the children in this special program pay better attention, learn faster, know more. Why? Because they were taught in a language they can understand.

We expect these children to top off as well when they get into fourth grade and have to take their test in English because they are doing well.

Ms. ESCAMILLA. Mr. Green, may I also respond? Last year in the Denver public schools we did a survey of Hispanic dropouts and found that 75 percent of the Hispanic students who drop out of Denver public schools, one, speak English only, and two, never had bilingual or ESL education. We see that perhaps the dropout rate is more a function of lack of opportunity to learn than anything wrong we have done in bilingual education.

Mr. GREEN. I appreciate that.

One other question, Mr. Chairman. I appreciate the time of the committee today.

The success stories that we have heard I know from Dr. Feliz and the two that I have, I think for the record each of you probably have success stories. If you would share those as brief as possible so we can talk about it.

I have defended bilingual since 1973, and from the people who say it doesn't work, but I know it works. If you have other success stories for the record, I would like to see that.

Ms. ESCAMILLA. Mr. Green, may I also respond? Just one. How many do you want to hear? I guess I would like to just mention one. When I was at the University of Arizona, at that time the first Hispanic student ever was elected to be student body president at that university, and that particular young man was a product of our bilingual schools in Mission View Elementary at Tucson Unified School District. We take great pride. He is now a marketing executive with Procter & Gamble in San Francisco. He is one of many.

I point him out because he served not just as the student body president, but was a role model for other students in the community in bilingual schools.

Ms. PENA. When my son was a senior and had been accepted to Princeton, we were invited to a reception. At the reception I met a family who could speak no English at all. He had been accepted at Princeton. He was the oldest of six children. The parents spoke no English at all but that did not deter them from attending the reception. They had done it because they had allowed this child to be in a bilingual and ESL program, and consequently he was able to do very well and became a role model for his brothers and sisters as well. He is now an engineer for Shell Oil.

Mr. HAKUTA. There is an unusual situation related to my working group membership. One of the people on our group is an experienced teacher from Salinas, California by the name of Aida Walke. She and I worked together when she was a teacher there to develop a program, a true bilingual program in the secondary schools in the sense that we developed translation and interpretation skills for students in this high school, which has 98 percent Latino students. Three of her students are now students at Stanford as they went through the program, and one has decided to pursue a bilingual credential. Aida meanwhile decided to come to Stanford to pursue a doctorate in education and thereby ended up in this group.

This past winter I taught a course on bilingual education, sort of a theory and research course on it, and I had Aida and her student in it; so both in terms of a teacher going on for further professional development on Title VII fellowship funds and a student who was in a bilingual program who has gone on to decide to become a bilingual teacher herself.

Ms. PETERSON. I have a story I would like to relate. I teach in an ESL bilingual classroom. It is a valid program sponsored by the Los Angeles Unified school district. Over the years I hopefully have become an expert at it, and the children I produce are functionally fully bilingual. I use native language as necessary but as little as possible, and our whole intent is to help the children learn English.

My only success story would be that I now teach children of the children I taught, and many are sheriffs, doctors and lawyers, and therefore this program does work. We are just saying we need some more open dialogue.

Mr. GREEN. I think there is no question about bilingual or ESL. I think it depends on the level of the child. I am trying to learn Spanish now and I need to immerse myself in Spanish so I can do better.

Mr. BECERRA. If the gentleman will yield, I characterized you as being bilingual.

Chairman KILDEE. Mr. Becerra.

Mr. BECERRA. Thank you, Mr. Chairman. One or two quick questions.

As we voted I had a chance to run into Representative Karan English from Arizona. She hoped to be here. She is extremely interested in bilingual education Title VII and its effects on language-minority populations that are not as large as the Latino or the Chinese-American population that we see in California. In her State,

she mentioned there are over 200,000 Navajos, and we often forget that there are some very large populations. I know that the Navajo tribes do a good job of maintaining within their own, the culture, the language and the tradition.

Does anyone have a comment as to whether or not we are doing a good job under Title VII in reaching smaller populations which also must be able to transition, learn English effectively and be able to function?

Ms. ESCAMILLA. I am sorry Ms. English isn't here, because I have another Arizona story. When I was a director of bilingual education in Tucson, we developed with the Title VII grant a bilingual education program in Yaqui and English. Yaqui is an interesting language because at that time it was not a written language. Through the Title VII program we developed a written orthographic system and then we developed the reading books and then began teaching the children the involvement of the tribal elders.

Without their involvement, Yaqui is going to be one of the Native American languages that is lost. The next generation of children won't speak it. With having developed the written orthographics system, now we have a way to maintain it.

We felt we were not only successful with the children but we were successful getting the elders involved in public education and in the sustainment of the Yaqui language. Navajo programs have been around since 1966 and they are counted among the many success stories in bilingual education.

Chairman KILDEE. If the gentleman will yield, during World War II the Navajo Indians were able to transmit secret messages over any radio frequency and no one ever broke the code. One Navajo would speak to another and translate for the major or colonel in charge. The Navajos played an important role in transmitting messages for our armed forces.

Mr. BECERRA. Mr. Chairman, are you implying that bilingual education could have a national security interest?

Thank you, Mr. Chairman. I have no more questions.

Chairman KILDEE. I have no more questions either.

This has been a very good panel. You have been very helpful to us. I have been working on bilingual education for 28 years and it is a dynamic program. We look at things, we learn more things. I think the goal is to make sure that children do reach that proficiency in English but make sure that they do not fall behind in their promotion and their learning and their graduation in the meantime.

I think that—those purposes remain the same, and we can apply them in various ways, but I think that—I know I have had on my staff four Hispanic people on my staff. I see Ricardo Martinez here today. He knew David Saliz very well and they used to speak Spanish. Three of my four Hispanics spoke Spanish and English. They were bilingual. One did not. That person is going back to try to recover that language, and it will make him more useful in my congressional office.

So we are a very monolingual country. We want to make sure everyone in the school system achieves English proficiency but also make sure that they do learn the other subject matter and learn it not as Dr. Feliz was able to learn it when he finally got into a

bilingual program and make progress within the school system. As an added bonus, if they retain their native language, they are enriched by it and I think our country is enriched by it.

This has been a very good panel and I thank each of you. Your formula suggestion, Ms. Kile, we will look into that, too. We will keep the record open for 2 additional weeks for submission of additional testimony.

Unless you have closing statements or anything to summarize—if not, the subcommittee will stand adjourned.

[Whereupon, at 1:15 p.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows.]

STATEMENT OF HON. BILL EMERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. Chairman and members of the subcommittee,

Thank you for the opportunity to address the issue of bilingual education as the committee works on the Reauthorization of the Elementary and Secondary Education Act. Since its inception in 1968, and through its various reauthorizations, the main purpose of the Federal Bilingual Education Act has been to provide funding to help school districts develop and establish programs to enable students to achieve full competence in English and to meet school grade promotion and graduation requirements.

All in all, I support the goals of bilingual education. In our increasingly diverse and complex world, it is vital that all people of our Nation are able to communicate with one another. It is important for limited English proficient (LEP) students to be able to speak English; it is increasingly necessary for students who grow up with English as their first language to be able to converse in another language.

I do think that—as with many Federal programs—bilingual education is not working as well as intended, and could certainly stand changing and updating. Congress wants limited English proficient students to learn English in bilingual education classes. But, Congress should—and does—want them to learn and move on.

One part of President Clinton's school reform legislation sets out seven goals to be achieved by the year 2000. Goal number three—Student Achievement and Citizenship—states, "By the year 2000, all students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English ..." I wholeheartedly agree.

But are the Bilingual Education programs accomplishing this goal? Population estimates from the National Clearinghouse for Bilingual Education show that the number of LEP students increased from 2.4 million in 1980 to 2.8 million in 1990, and will increase to approximately 3.4 million by the year 2000. With our current budget constraints and new education programs fighting for education dollars, bilingual education must use resources wisely—3.4 million young people's future will depend on it.

Children from all over the world face a difficult transition from their native language into English fluency when they enter American schools. Bilingual education assumes that the transition can be eased when children can be taught—temporarily—in the language they understand. The important word here is temporarily. I am concerned that we may be losing sight of the goal of bilingual education—to help children become fluent in English as quickly as possible.

I firmly believe that learning English quickly—in about three years—and learning it with their English-speaking peers is the best way for LEP students to get ahead academically and socially. For these reasons, programs funded under the Bilingual Education Act should be more accountable. One of the main components of any accountability measure must be how much English the students learn and how fast they learn it. Programs which use innovative methods to move students along more quickly and thus integrate them with their peers sooner should be rewarded and highlighted for others to replicate.

In addition, we need to give parents more choices on the types of educational program they can choose for their children. Parents of children in bilingual education classes assume that their children are in those programs to learn English. Few want their children taught primarily in their native language. They want to preserve their native language at home, but recognize that the language of the school is English. We are doing a disservice to those parents who want their children to integrate into the school community as soon as they have acquired the necessary linguistic tools in English to push forward on their own.

Mr. Chairman, as you and the committee continue your work on reauthorization of the Bilingual Education Act, I hope you will keep the goals of this legislation in mind. More and more parents are voicing their concern that their children are not learning English fast enough. Nearly 3.4 million young people have their futures dependent on the success of bilingual education—on the speed with which they acquire and master English language skills. To continue with a program which is not producing the desired results makes no sense. I urge this committee to make the necessary changes to ensure that bilingual education teaches children English as quickly as possible for their sake and for the sake of the Nation.

STATEMENT OF GERDA BIKALES, PRESIDENT, E PLURIBUS UNUM, WASHINGTON, DC

Once again, it is time for Congress to decide what to do about bilingual education, the program that started as a modest experiment in 1974, and which now holds

about 1.7 million children in its grip, at a cost exceeding $1 billion per year, in Federal and State taxes.

The members of the Subcommittee on Elementary, Secondary and Vocational Education are deluged with a barrage of studies and reports, conference proceedings and journals, experts and lobbyists, all purporting to show that teaching immigrant children in their native tongue produces better results in the classroom.

And no wonder! The studies are sponsored and designed by people who feed off the moneys appropriated for bilingual education. The reports are written by those who are professionally beholden in every way to bilingual education funding. The experts are trained in academic departments supported with bilingual education dollars, and they go on to hold professorships in them. The conferences and journals are controlled by those experts—people who, directly or indirectly, derive their prestige and jobs from keeping children out of the reach of the English language as long as possible. And the lobbyists do what lobbyists do so well—they wax lyrical about their self-interests.

Nothing is easier than to produce impressive evidence of the achievements of bilingual education on paper, for the money and the institutional machinery is in place to do so at will. And nothing is less reliable, for the conclusions are largely preordained and not supported by actual academic outcomes.

Studies skeptical of bilingual teaching are not as numerous, they don't appear as frequently, nor are they quoted as often as the ones making extravagant claims for the method. There is very little money to be gotten for independent research, and smart researchers will stay clear of bilingual education in any case, for they know that they must toe the politically correct line, or their careers will be damaged.

Nevertheless, there has been a consistent flow of data proving that bilingual education is not a superior methodology and fails to teach students English. In 1978, the American Research Institute conducted the first large-scale study of bilingual education, and found it seriously wanting. In 1981, two Education Department researchers reviewed all the usable empirical data available, and concluded that the results of bilingual education did not warrant mandating it over English-based methods. A year later, Iris Rotberg of Harvard reached the same conclusion. In 1986, the National Advisory Council on Bilingual Education stated that "bilingual education has been contradictory." Professor Christine Rossell has reported on several research projects, all casting serious doubt on the achievements claimed for bilingual education. Just last year, a longitudinal study of the El Paso schools showed the advantages of intensive English-emphasis. Also last year, the prestigious National Academy of Sciences, afer a review of numerous studies supporting bilingual education, determined that they were too poorly done to be of any value.

Perhaps the most telling and useful information I could share with you is from the recent survey entitled *The American Teacher*, conducted by the respected firm of Louis Harris and Associates for the Metropolitan Life Insurance Company. This is a survey, on many educational subjects, of 1,000 elementary and secondary teachers in our children's classrooms. These teachers see, day in day out, what is happening in the schools, how programs affect collegial relationships, work environments, school politics, classroom interactions, as well as academic outcomes.

To the question: "Do you think that government policy should promote bilingual education programs that teach English and teach other subjects in a child's native language, or should policy mandate that substantive subjects be taught in English." America's teachers responded with a strong endorsement for teaching in English (64 percent).

We believe that this rejection of bilingual education by those teachers not directly beholden to it is highly significant.

We urge you to consider its meaning carefully, and opt to depoliticize the schools and free our immigrant students from the burden of semi-literacy in two languages that is so often their fate in bilingual education.

As an organization concerned about the dissolution of the cultural bonds that have tied us together as a pluralistic Nation, we urge you to make funding available to help students with English language deficits, in ways determined by local schools, using the resources available to them. The law should demand a heavy emphasis on intensive English teaching and a rapid transition to the standard curriculum.

We must end the hysteria about bilingual teachers shortages that has prompted us to fund the constant expansion of substandard bilingual education departments, and to hire foreign teachers with uncertain credentials to teach in our children's schools.

As a diverse people, we have to learn to live together, not separately. America's schools is where we must learn these lessons. For out of many, we are one. E PLURIBUS UNUM.

STATEMENT OF

MAURO E. MUJICA, CHAIRMAN

U.S.ENGLISH

ON THE RE-AUTHORIZATION OF THE BILINGUAL EDUCATION ACT

SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

AUGUST 3, 1993

Mr. Chairman and distinguished members of the Subcommittee, thank you for the opportunity to present the views and proposals of U.S.ENGLISH on the 1993 re-authorization of the Bilingual Education Act. I speak for hundreds of thousands of our supporters who want to see bilingual education reformed, starting at the federal level.

Since its inception in 1968, and through its various re-authorization cycles in 1974, 1978, 1984, and 1988, the federal Bilingual Education Act has had as its main purpose the provision of monies to assist school districts to develop and establish programs specifically designed for the limited English proficient (LEP) population. More specifically, "such programs shall be designed to enable students to achieve full competence in English and to meet school grade-promotion and graduation requirements" (Sec. 7002 (a)(1)(A)). Through a competitive process, school districts apply for three-year grants (up to five under special circumstances) to establish programs which will eventually be incorporated into their own programs, without further assistance from the federal government. In essence, the federal government supplies "seed money" to develop programs to demonstrate their viability and effectiveness to local school districts.

The overriding concern has always been that those of non-English speaking background entering American schools be provided with a smooth transition into the English-based educational system as soon as possible. This is to be accomplished by teaching children English without taking them away from the learning of subject matter.

The concern, and henceforth the purpose of the Bilingual Education Act, has been defined by an emphasis on the teaching and learning of English. To my surprise, during the July 19 public hearing, I heard differently. Chairman Kildee said that the concern was whether we wanted to turn out bilingual or monolingual children.

I am called by that comment to ask: What role is envisioned for foreign language instruction in our country? It has been through that type of instruction that we have sought to have our children learn other foreign languages. Is the Bilingual Education Act going to bring under its umbrella all foreign language instruction? If so, what is gained by doing this?

U.S.ENGLISH supports the original intent of the Bilingual Education Act: to teach English to non-English speaking children quickly, to help them integrate into the school community and become part of our English-based educational system as soon as possible. This intent is altruistic and as such worthy of praise.

As written today, however, the Bilingual Education Act contains contradictions and lacks both flexibility and strong accountability measures.

U.S.ENGLISH--representing over 500,000 voters--opposes re-authorization of the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act, unless the following changes are enacted:

1. Lifting of all caps on programs

Percentage quotas for specific methodologies must be eliminated and the system must be opened to true competitive program design. All caps must be lifted from Transitional Bilingual Education, special Alternative, and Developmental Bilingual Education Programs.

If the programs funded under the Bilingual Education Act are capacity building and demonstration projects, the practice of allocating a vast percentage

of funds to a specific methodology contradicts the concept of developing "exemplary" programs or "programs that work." Title VII institutionalizes a hierarchy of methodologies, a practice not found in any other sector of the educational field. As written today, Title VII says to educators that the federal government gives preference to a methodology that promotes teaching children in their native languages. It should not be the role of the federal government to promote a particular educational methodology over another. In addition, the federal government should not be promoting a methodology whose superiority has never been proven.

This year's re-authorization of the Bilingual Education Act must address the lack of clear research findings supporting the superiority of any methodology over another in educating the limited English proficient. As reported by a panel in The Case of Bilingual Education Strategies (Michael M. Meyer and Stephen E. Feinberg, Editors, Washington, DC:National Academy Press, 1992), even the most recent longitudinal study (Ramirez, J. David, et al. **Longitudinal Study of Structured English Immersion, Early-Exit and Late-Exit Transitional Bilingual Education Programs for Language-Minority Students.** San Mateo, CA: Aguirre International, 1991) failed to provide clear findings. In fact, the panel noted that no conclusion is warranted on the effectiveness of bilingual education (i.e., native language-based bilingual education) programs based on the analyses in these two studies or based on any further analyses of the same data. If the research does not support giving preference to one methodology over another, why should the Bilingual Education Act do it?

U.S.ENGLISH understands that there must be a period of transition for many students, during which the native language can be used to help them along. It may even be possible that short-term (a matter of months) native language instruction is beneficial for limited English proficient students in the beginning when their knowledge of the English language is very low ("Blinded by Theory in Search for Effective Programs for LEP Students: A Call for Testing New Research Hypotheses," a paper presented by Keith Baker and Christine Rossell at the Annual Meeting of the American Educational Research Association, Atlanta, GA, April 13-16, 1993).

The fact still remains, however, that native language-based bilingual education programs segregate, involuntarily, LEP students into "separate-but-equal" classes. Keeping LEP students in long-term native language classes inhibits the development of their English academic language skills, and thus reduces their opportunities for mobility. Without good English language skills, they are unable to move into higher education or better jobs.

2. **Incorporating into the Act the procedures specified by the Department of Education's Office of Civil Rights for program compliance with Title VI ("The Provision of an Equal Education Opportunity to Limited English Proficient Students," Washington, D.C.: U.S. Department of Education, December, 1992, pages 6-9).**

The Act needs to reflect the broad discretion the Office of Civil Rights gives schools in ensuring equal education opportunity for minority students. Schools need more flexibility to improve their use of resources and manpower, and to meet the expectations of parents. More and more parents are voicing the concern that their children are not learning English fast enough. Most parents of LEP students want their children to learn English as soon as possible (Parent Preference Study, Department of Education, unpublished), to learn major subjects primarily in English (Hispanic Link, Vol. 9, No. 43, October 28, 1991) and expect bilingual programs to help their children accomplish this goal (National Latino Political Survey, 1993).

3. **Linking of all grant renewals directly to how well and how fast programs teach English.**

Programs funded under Title VII must be required to be accountable to the purpose of the Bilingual Education Act: to teach children English to the highest level of their age capabilities. The effectiveness of the programs must be required to be measured in terms of how well children learn English, and their efficiency by how fast it is learned. Programs which use innovative methods--such as accelerated learning--to move students along more quickly and thus integrate them with their peers sooner should be recognized and highlighted for others to replicate.

The major factor in the selection of a program as an Academic Excellence Program--a Title VII component whose purpose is to highlight "exemplary" programs--must be how effectively and efficiently the program teaches English.

4. **Stipulating that all teacher training programs funded under Title VII provide training in a variety of English language development methodologies.**

Many such training programs today focus primarily on the "facilitation hypothesis"--the notion that one needs to achieve a high level of native language proficiency before one can achieve the highest level of a second language proficiency. This hypothesis guides most training currently offered for bilingual education certification. The result is that teachers ultimately end up

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internalize, the notion that children need to be taught in their native languages first in order for them to learn English. But the validity of this "facilitation hypothesis" is at best questionable.

Teacher training programs funded under Title VII must be required to expose their trainees to all teaching strategies, including the weaknesses and strengths of each. The greater the repertoire a teacher has at his or her disposal, the more flexible a teacher will be in meeting the needs of specific LEP students.

Teachers of LEPs deserve comprehensive training which will cover, among many other things, accelerated techniques for learning languages and subject matter and which will present the most up-to-date knowledge on learning and teaching.

The Bilingual Education Act must include an accountability measure for these teacher training programs which relates to the inherent purpose of the Act: to teach LEPs English quickly. How effective such training programs are is hardly known.

5. **Making "parental consent", not just "parental notification", a must for pupil participation in Title VII-funded programs.**

Parents must be allowed to choose not to have their children placed into Title VII-funded programs. Parental consent should be required prior to any placement decisions by school administrators.

School programs which are newly established are for the most part considered experimental, that is, the school district wants to know if that program will work for its students. Because of this experimental nature, parents are consulted as to whether they want their children to participate in these programs. Bilingual education programs in the process of being instituted in a school system fall into the same category. However, even though a public notice is published in local newspapers about the intent of the district to apply for a Title VII grant, and a meeting is generally held with "some" parents to fulfill a proposal requirement, parents of children who ultimately are placed in the "new" bilingual education program are rarely given the opportunity to decide on their own whether or not they want to enroll their children in those programs.

Anecdotal data consistently show that when parents choose to decline to have their children placed in those programs they usually are able to do so only after the children have been assigned to such programs. This process makes it harder for parents to be involved in the process. After a school administrator or teacher makes a decision about one's child, parents feel threatened about reversing that decision and worry about possible repercussions. Parents who already are "threatened" by the very basics of a new life in a foreign environment don't need this additional threat from our school system. Title VII should require that parents be given the choice to enroll their children prior to a placement decision.

This is also a solution to the persistent problem of wrongly assigning a child to a bilingual education class simply because his or her last name is Hispanic/Latino--even when the child's dominant language is English. Obviously, in these cases, parents have already made a deliberate choice as to the language they want their children to use. Why should the schools be allowed to reverse that decision?

6. **Changing the name of the Act.**

The name of the Act, **The Bilingual Education Act**, is misleading. If the purpose of the Act is to teach children English, its name should so indicate.

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Written Testimony of the Rural Alliance for Newcomers in Midwestern Schools

Submitted to the House Subcommittee on Elementary, Secondary, and Vocational Education

August 5, 1993

This written testimony represents the cooperative work of a group of 27 people from Kansas, Nebraska, Iowa, Missouri, Arkansas, and Oklahoma. We met as an alliance of 15 educators, 3 local business persons, 4 teacher educators, 2 researchers, and 2 state education officials with a common interest in meeting the needs of newcomers in rapidly changing communities in the midwest. Far from the imagined flat, homogenous heartland, small cities in our region are changing dramatically with innovations in agricultural processing. These industries have brought new economic life to small communities throughout the Midwest. Lacking a native workforce, and often paying relatively low wages, they bring new immigrants and new challenges to schools in the heartland. This testimony derives from our growing concern for schools, communities, and new arrivals in our changing communities.

In February and again in late July of 1993, we identified our shared concerns in several areas, including the reauthorization of ESEA, particularly Title VII and Chapter 1. Participants are familiar and in concurrence with the focus of the Stanford Working Group, and are in concurrence with most of the specifics in the proposed NABE legislation. Our specific interests and concerns are outlined below, which are followed by some brief critical incidents to set our concerns in real-life context.

General Concerns

Federal funding and policy making too often overlook smaller, changing communities. Our schools are changing, often dramatically; our responses are varied, from denial to innovation. Ignoring the needs of small communities like ours will hamper existing district efforts to meet the needs of both newcomers and established residents, prevent the dissemination of successful new models, and risk repetition of costly policy and program mistakes like "sink-or-swim" approaches to language learning.

New poultry processing plants in Missouri and Arkansas, pork and beef processing in Kansas, Nebraska, and Iowa have made many communities multi-lingual (not just bi-lingual) almost overnight. Much exemplary work has resulted, which demonstrates that language diversity can be both a resource for schools and a challenge. While many communities are struggling, reauthorization presents an opportunity to meet new needs in the smaller communities in the Midwest.

Recommendations for ESEA Reauthorization

State Capacity Building

Proponents of education reform for language minority students have stressed the importance of linking federal and state education reform efforts through state-level planning. Our group found that state and federal

program oversight has often been inadequate to insure that small communities are aware of both their responsibilities and opportunities regarding language minority students. Any legislation in ESEA must specifically incorporate language minority students in all school reform efforts at federal, state, and local levels.

- ESEA's reauthorization can and should encourage an active and specific federal, state, and local role in promoting services to language minority students

Title VII

Formula funding of Title VII projects on the basis of the size of the language minority population would eliminate or sharply reduce available funds for smaller districts or districts with substantial new growth. Presently, some small districts are forging new regional alliances, but these cost- and resource-sharing efforts are not encouraged by present policy. Meanwhile, the review and approval of discretionary grants may now be done by panels of "experts" often with no experience in the needs of smaller communities.

- Funding priorities for discretionary projects should include districts in which the *percentage* of language minority students has increased rather than in which the *number* is high

- Priority should be given to inter-district and regional cooperation among otherwise geographically isolated smaller schools for instructional delivery and in-service training, including the use of distance-learning technology

- Appointment of a broad range of professionals to grant review panels will improve the quality of the Title VII discretionary grant review process, and must incorporate regional and rural representation in the statute

Chapter 1

There is great inconsistency in the availability of Chapter 1 services to newcomer students in our region. Some schools provide services to language minority students, sometimes including first language instruction; others do not modify Chapter 1 services, or completly exclude newcomers. We support the proposals to explicitly include language minority students in Chapter 1 and to insure that Chapter 1 services are appropriate to student needs.

- Chapter 1 services should be made available to language minority students and tailored to their needs

Critical Incidents

The "critical incidents" detailed below highlight the diversity of the local response to new immigration in the schools. These examples point out the need for federal and state attention to local districts in which the capacity to serve language minority students is limited. It also illustrates

the value of early coordination and cooperation among similar rural districts, and the creativity and flexibility of local responses.

Kansas:
Who Are Public Schools For?

This fall a 19 year old woman from Mexico sought admission to this high school . She had not been enrolled in school for three years and did not want a high school diploma, but wanted to learn English. The high school refused her admission.

This high school faced a problem: who was to be served? The policy is based on the counsel of the attorney for the Kansas State Board of Education. This high school's policy is to deny admission to persons over the age of 18 if they have not been continuously enrolled in another public or private school prior to their request for admission. They argue that their priority is to educate children, and that adult education is the pervue of GED programs. The school makes referrals to the local GED program, and is concerned that the quality of the local GED program is high enough to meet the needs in the community. *(Excerpted from a critical incident submitted by a high school principal.)*

Kansas:
Immigrants and Sports

The population of another Southeast Kansas town of 25,000 has increased 36 percent since the arrival of a new beef packing plant in 1980. Three new elementary schools have been built to accommodate 1,976 new students. The high school enrollment of 1,111 in 1988-1989 consisted of one-third minority students: 21 percent established resident and newcomer Hispanics; 7.8 percent new arrival Southeast Asians and 1.4 percent African Americans. The immigrant student population is highly mobile: one third of the students move on during the school year.

Sports are important to high schools. The school administration encourages students to participate in sports and extracurricular activities to encourage identification with the school and deter drop outs. The football season sets the tone for the school year. One school official said, "If you have a good football season, then you usually have a pretty good school year." Higher status accrues to high school athletes, as it does to the school's high academic achievers.

The community identifies closely with the football program, and expects its team to have a winning season. Attendance at football games reemphasizes the townspeople's unity identity, and American values and tradition in the face of rapid growth and change. But newcomer participation in sports and other extra curricular activities is limited. During the 1988-1989 school year, immigrant student participation declined. The sponsors of the Southeast Asian Club resigned during the year due to a perceived lack of support from the administration. Many immigrants had been interested in soccer, but the soccer team, too, was eliminated when the sponsor moved to another school and no other teacher would sponsor the team. No one told the immigrant student athletes what happened to their soccer club. While the Southeast Asian Club entered a float in the Homecoming Parade and won Third Place, two Vietnamese seniors in the graduation week activities committee complained that the other students were only interested in "American" activities, and they weren't interested in those things.

Later, the school reestablished the soccer club, but the practices were held at the middle school, included middle school students, and transportation was not provided. Many students were still discouraged by these aspects of the soccer program and participation was low.

Because of their failure to participate in organized American sports and extracurricular activities, immigrant students lack social status in the town and among their peers, and other students, administrators and townspeople think immigrant students are not interested in becoming part of mainstream America. *(Excerpted from a researcher's report.)*

Nebraska:
A Positive First Experience

I teach in a small midwestern school. This year was my first experience teaching an immigrant child. Also, I have had no training in other languages. However, this has been a very rewarding experience. My student has been very eager to learn and their families are very supportive of education.

Luis is a very social person and has been very well received by his peers. They are so eager to help him. Luis is very good at drawing and received local recognition. I try to incorporate, at every opportunity,

events and history from his native country, Mexico.

I feel my students have learned about not stereotyping other people and their culture. This makes me feel good. It has been a wonderful year and I will hate to let him go. *(Excerpted from a critical incident submitted by an elementary teacher.)*

Nebraska:
Coping with an INS Raid

In September 1992, the U.S. Immigration and Naturalization Services raided a beefpacking plant in our town. After seizing the plant's personnel files, 200 federal agents picked up 307 undocumented workers, took them to the National Guard Armory and began deportation processes. The INS separated families.

The next morning in school there was mass confusion; and there was quite a stir among the Spanish speaking community. Students hid in school restrooms, afraid the INS would take them from the school. Other students in hiding did not attend school for two weeks. Some students were deported with their parents, but the school was not notified by INS. School enrollment dropped 20 percent, but by May, enrollment had returned to the level of the previous September.

If this should happen in your community, make it perfectly clear to INS that you want names of children who are also being deported and have policies in place as to how the school will handle the situation if it occurs in your community! *(Excerpted from a critical incident submitted by a secondary ESOL teacher.)*

Nebraska:
Community-wide Planning

This county of 22,000 has grown 12.76 percent since 1990. The largest community in the county grew 30 percent, with the opening of a beef packing plant in 1990. Of the 2200 beef plant workers, 60 percent are Latino. Numbers of Thai, Vietnamese and Laotians also grew a small amount.

Based on a report by a Community Impact Study Team of area representatives from education, law enforcement, health, human services, economic development and other agencies, the county formed the Dawson

County Interagency Council to coordinate the services of community agencies. The council of 45 schools, agencies, churches and organizations meet twice monthly to share information and discuss requests for assistance from council members on projects. With a short turn-around on proposals and no duplication of services they have accessed many programs in three years, including the Maternal Health Clinics, 3 area Head Start programs, transferred him to the parochial high school. He wants to attend a U.S. university. The teachers and administration aren't sure how to respond to his needs. *(Excerpted from a critical incident submitted by a university faculty member.)*

Missouri:
A Poultry Plant and New Needs

This boot heel town of 2,000 has acquired a poultry processing plant. The plant has attracted established migrant workers who also work in peach orchards. The district of 760 has received up to 100 children.

The children and their families need social, health and educational services. The GED/Adult Education and social service agencies have been asked to help. The SEA Migrant Office has given money for bilingual tutors. The Southeast Missouri Migrant Center is a resource for materials.

The school district has been hesitant to report the numbers of Limited English Proficiency students because they do not know how to identify them and because they do not have the financial and human resources to assist the children. Our major concerns are: conveying information about available social services; properly identifying language and educational needs of children and adults; providing appropriate language and content area instruction, and identifying human and financial resources. *(Excerpted from a critical incident submitted by a university faculty member.)*

Ken C. Erickson
Topeka, Kansas

THE EFFECTIVENESS AND EFFICIENCY OF THE BILINGUAL PROGRAMS FOR LANGUAGE MINORITY STUDENTS AND L.E.P STUDENTS

A Statement to the Chairman of the Elementary, Secondary, and Vocational Education Subcommittee on the Reauthorization of the Bilingual Educational Act for 1993

by
GLORIA MATTA TUCHMAN

Depending on, with whom you talk or what literature you review, you will get varying theories and research as to the application of Bilingual Education. It is a dilemma to those who are involved in the educational field, as well as the average lay person who is not familiar with educational issues. Bilingual education is not controversial in terms of good or bad, but in terms of purpose and effectiveness. I am not against bilingualism or any degree of multilingualism. The ability to speak and comprehend more than one language is an asset for anyone. It opens new avenues of knowledge and appreciations, and understandings.

The bilingual debate has been centered around the issue of flexibility in determining the appropriate method of instruction and the amount of funding that should be provided for special alternative instructional programs. The current federal budget exceeds $$$$$ and and the current state budget exceeds $$$$$. Legislation reauthorizing the federal Bilingual Education Act will be addressed by Congress in 1993. Current legislation designates that 75% of funding goes to transitional bilingual education (native language instruction) and 25% of funding goes to alternative instructional programs. There should be NO CAP placed on the funding since transitional bilingual education has never been proven to be the most superior method of instruction for teaching limited English students. No program has been more heavily funded, or better established than transitional bilingual education. Nationwide, as well as statewide, funding for this type of instruction has increased nearly 100 fold from its original funding.

Questions are increasingly being asked about its purpose, its effectiveness, and its future. The purpose of Bilingual Education is to 'transition' limited English speaking students from their native

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tongue to English and to produce the highest English language achievement of which that student is capable.

> The disgraceful treatment of linguistic minorities in this country--the mislabeling of limited English proficiency children as mentally retarded, their high dropout or pushout rate because they have been allowed to flounder in an alien, hostile environment, or actually punished for using their mother tongue--may have influenced many social scientists, bilingual education lawyers, and reviewers of the research to believe that any policy which ignores the mother tongue in favor of English is racist, and any policy which maintains mother tongue, however inadequately, is equitable. This has created an atmosphere in which it is all too easy to interpret flawed studies as support for bilingual education and to reject or ignore competent, relevant studies as support for bilingual education and to reject or ignore competent, relevant studies with conflicting findings. (Christine H. Rossell & J. M. Ross, The Social Science Evidence on Bilingual Education, 1988.

I can tell you from 29 years of firsthand experience of teaching limited English students that transitional bilingual education is not the solution. I do not concur with the theory of teaching children to read and write in their native language before learning English. I feel that native language teaching leads to frustration and confusion because many pupils are often as handicapped in the knowledge of their so-called mother tongue as they are in English. As regards to the instructional program, the time and effort placed on bilingual instruction decreases the time and effort given to English and other subjects resulting in limited English taught pupils being increasingly left farther and farther behind their peer group and age level.

Bilingual education must be reformed if it is to adequately meet the needs of these students. I am a proponent of English immersion or Sheltered immersion. It is an organized curriculum that includes English language development, primary language assistance if possible, and basic skills that are developed through English. A lesson can be linguistically simple, but the content can be complex. It is a technique that moves at a slower pace and employs simple vocabulary and common sense. Visual aids are a necessity and when that doesn't work, actual hands on experience is utilized. I believe that the State can operate its bilingual education program more

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effectively and efficiently by employing this method of instruction, meeting the goals set forth by Office of Civil Rights (OCR's) Federal Regulations.

Submersion is a curriculum designed for native speakers of English. But it has no special instructional activities to meet the needs of limited English proficient students. Often this curriculum is referred to as "sink or swim." I do not favor this teaching method for limited English students.

AN EVALUATION OF PROGRAMS FOR PUPILS WITH LIMITED PROFICIENCYY
IN ENGLISH

The Legislature asked the California Department of Education (CDE) in 1988 to contract for an evaluation of services for limited English proficient students in California. Ironically, thousands of dollars were paid for a study that assessed five specific Limited English Proficient (LEP) learning programs, instead of assessing the children within those programs. The study was called "Meeting the Challenge of of Language Diversity." The programs discussed were 1) ESL Pull-out 2) Sheltered English 3) Bilingual Late Exit 4) Bilingual Early Exit 5) Double Immersion (also call Dual Immersion or Two Way Bilingual)

This report is deceptively naive. It states that California "faces a complex challenge of educating a rapidly growing number of language minority students."
This is not a new challenge. It is an old crisis. One that has been sidestepped by politicians and administrators alike for decades. For just as long, one method of instructing LEP students has been favored over others: Transitional Bilingual Education!

The facts would affirm the necessity for addressing this crisis.

a) Two-thirds of California's new arrivals in 1990 were immigrants.
b) The Asian population grew by over 100%. The Latino population by nearly 70%.

However, the study also says the state will soon instruct one million LEP's within the K-12 system. 68.4% of all LEP's are currently at the K-6 level. It is an undisputed fact that early immersion in a second language guarantees the highest level of fluency in that language.
In other words ------ as with most things in life ------ the longer that learning is delayed, the less thoroughly it will be absorbed. Point being, only the "Sheltered or English Immersion" method encourages immediate acquisition of English and succeeds at being the most cost effective for teaching LEP students.

THE BIASES OF THE STUDY

"Meeting the Challenge of Language Diversity"
An Evaluation of Programs for Pupils with Limited Proficiency
in English
February 1992

I have major problems with the overtly political tone of this study.

1. The study did not state clear findings that might be beneficial to the resolution of the problems currently facing LEP children, bilingual education and California's crumbling educational program as a whole.

2. It avoided the realities of California's education when discussing LEP students:

   a) "Fifteen years ago the Supreme court found the schools had a a duty to provide special programs for students who do not speak English. The U.S. Department of Education imposed policies in response to the Lau decision that made bilingual education programs the dominant way the schools met this duty. In retrospect, the research we have looked at indicates the U.S. Department of Education, the courts, Congress, and several states made an error of epic dimensions. There was no research support for the decision when they made it. (Epstein, ... ; Baker and de Kanter, 1981). The research conducted during the following decade and a half further demonstrated the failure of bilingual education programs as a civil rights policy."
   (Congress also made a major contribution to the spread of bilingual education programs in the way it wrote and amended ESEA Title VII.)
   The courts also played a major role, abetted by school districts that agreed bilingual education programs were desirable, but too EXPENSIVE. (See Baker and de Kanter, 1986; Baker and Rossell, 1985; and Rossell and Baker, 1990, Bilingual Education: Time to Take a Second Look?)

   b) The availability of bilingual teachers for the 100 languages represented in California schools is not a realistic and practical solution. p.2

   c) Segregation of LEP students from their English speaking peers. What's more, segregation didn't work in the South. Segregating language-minority children who are just starting out, and are in search of a fragile, illusive self-identity and hungry for challenge and knowledge, is a living contradiction to everything education and learning is all about.

   d) It fails to make note of past and current Hispanic (majority LEP) drop-out rates, sinking tests scores and shrinking college entrance statistics and their relation to the transitional bilingual program in place.

   "The California Postsecondary Education Commission, in a study on high school graduates eligible for the University of California by Race and Ethnicity, reveals alarming statistics. In 1990 only 3.9% of Latino high school graduates were qualified to enter the UC system, as compared to 32.2% Asian and 12.7% White. Among those graduates who took the SAT, when broken down by race and ethnicity, Latino students came in dead-last at 30% compared with Asians at 70%."

   e) It was stated that schools do not have valid and ongoing assessments of the performance for students with limited

proficiency in English. Therefore, the state and the public cannot hold schools accountable for LEP students achieving high levels of performance. This is unexcuseable! The bilingual program that has been in place in a majority of school districts for decades must be held accountable for failure to adequately educate millions of children in becoming English proficient. That was the intent of the law. Schools can certainly be held accountable for implementing on-going assessment efforts. Reclassification is the measure of 'success' of a program for LEP students. The fear of losing funding for reclassified students is a big concern of districts and is one of the weaknesses of the program. There is NO incentive to reclassify LEP students.

f) It was stated that the Legislature should increase the level of state funding, and review the current funding mechanisms, for programs and services for LEP students. (p.29) I requested costs for the bilingual education program at the state level and they were not accessable from the Department of Finance or the Department of Education. No one was able to to answer any questions regarding budgetary figures for bilingual education at the Department of Education. The Department of Finance stated that there is no way to track monetary figures by the way it disperses funds to the school districts. Additional funding is not the solution. ACCOUNTABILITY OF TAXPAYER DOLLARS IS THE SOLUTION!!!!!

SUGGESTED RECOMMENDATIONS TO THE LITTLE HOOVER COMMISSION

1) Additional funding is not the solution. Redirection of funding and accountability of the School Districts in educating LEP students in becoming English proficient must be mandated by the public. For example: Pre-school and Headstart programs should be emphasizing early English Immersion, as was the original intent of the program when it was initiated in the '60's. English Immersion programs, Intensive English Language Development, Newcomer, Project Ease and Language Learning Center programs will lead students to knowledge, understanding, and independence to achieve ENGLISH PROFICIENCY!!

2) Flexibility of School Districts to address their individual bilingual instructional needs should not be unduly restricted by the State Department of Education. School Districts should be allowed a great deal of discretion in program design.

3) Title VI does not mandate any particular program of instruction for LEP students according to the policy update of Sept. 27, 1991 by the Office of Civil Rights (OCR).

4) NO CAP should be placed on the funding allocated at the Federal level for the Bilingual Education Act. Current legislation designates that 75% of funding goes to transitional bilingual education (native language instruction) and 25% of funding goes to alternative instructional programs (English instruction).

5) Special credentialing of all teachers, including language specialists and classroom teachers should not be required by the State Department of Education. Judge Jensen concluded that the evidence showed: "that good teachers are good teachers no matter what the educational challenge may be. The plaintiffs' evidence did not support the claim that LEP students should be taught only by teachers or tutors holding specialized credentials." (Cf.Teresa P. v. Berkeley U.S.D., 724 F. Supp.698, 714, N.D. Cal. 1989)

6) Staff development and training of staff that work with LEP students can be done at the local level. Dissemination and information that reflects English Language Development from from an unbiased point of view by practitioners and researchers

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should be authorized by the State Department of Education. Dr. Herbert J. Walberg of the Univ. of Illinois stated in the (GAO Report) March 1987 to Congress, "that the total population of opinion is likely to be biased because most of the research and synthesis in this field has been carried by those who have been funded by 'true believers' within and outside government intent on showing the superiority of a single approach. Getting information from such sources is like asking your barber if you need a haircut."

7) Parental consent for enrollment in the program.

CONCLUSIONS

Headstart was begun nearly three decades ago. My mother, Mary Lydia Garza and my father, Manuel N. Matta helped found it in Arizona. My step-father, Dr. George J. Garza was National President of League of Latin American Citizens (LULAC), and created the "Little School of 400" that was the model for what we know to be "Project Headstart." Its original intent was to promote reduced school truancy, and fewer referrals to special education for disadvantaged children. It was also aimed at teaching them "400" basic English words so they would be prepared to start school.
According to Dr. Lily Wong Fillmore, a Professor at U.C. Berkeley, "Language-minority children who attend preschools where English is spoken -- are far more likely to abandon their primary language, will have difficulty communicating with their families, and put their family values at risk." "The likelihood of children forfeiting and losing their primary languages as they learn English poses a major problem in the first place." The message here is clear: Protect the failed bilingual education system and the jobs that will be lost, with your lives!!

The National Association of Bilingual Education (NABE) and The California Association of Bilingual Education are accomplices in calling for less English instruction for language-minority children. James Lyons is the Executive Director of NABE. He reaches for the trendy, siren-call of "family values" to pound home his point: "The immersion of LEP children in English programs at the ages of 3 or 4 presents the risk of grave psychological harm," he says. "At root, they are being taught to disrespect their parents." Teachers are not

promoting disrespect in the classroom. Since when is learning a host country s language disrespectful?

It is an undisputed fact that early immersion in a second language guarantees the highest level of fluency in that language. In other words, as mentioned earlier, facts confirm the longer that learning is delayed, the less thoroughly it will be absorbed.

In fact, Mr. Lyons flawed hypothesis presupposes two failed notions: 1) that limited English proficient children are incapable of retaining a lifetime s knowledge of one language -- only to have it pushed out of their mind when asked to learn a second language.

2) that by pitting the prospects of educational advancement for their children, against the bleak backdrop of a crumbling family structure that affected families would be forced into a false choice of future success for their children or the immediate ruin of family life as they know it.

Furthermore, NABE states, "children have to learn English, but they should not be required to do so until their native languages are stable enough to handle the inevitable encounter with English and all it means."

Can you feel the rumble of a new government bureaucracy coming California s way? Sticking its nose further into your life to determine when a child actually will be deemed "stable" enough to proceed onto English?

Can you hear the politicians bickering over the rules and regulations, fighting for the right to make what should be a parent s decision?

If ever adults were putting handcuffs on kids -- limited in their English or not -- curbing their expectations, when educational freedom is what they re young minds beckon for, then bilingual education is an tragic example of that.

No one is asking parents to force their children to abandon their native language, but rather to help them build upon the foundation of heritage they already possess.

A heritage is much like a people: they need not disavow a historic past to build a shining future. Parents are taking those steps

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everyday in California and they do it out of chance more than choice. It's the classic American chance. It's the chance their children will do a little better than they did, succeed where they failed, and thrive where they are stymied by their language limitations.

In short, no single issue facing California represents more of a mirror of what the future of California will look like than the shape of our bilingual education policy. It is a pure economic question: Can our children succeed without learning English? No, not in the international market-place. Shouldn't America be teaching its own children the language of the land?

Disregard for a moment that the State's recognized bilingual education policy has never been validated in any scientific or expert study as a success. However, a State-sponsored study did uncover evidence that California's primary language instruction program is "ineffective" in promoting English language proficiency and cannot be held accountable. Accountability is paramount to improving the educational system, and saving taxpayer dollars.

In fact, Judge Jensen stated in a 1989 Berkeley School District court case that "no imperial validation....that teachers with special credentials, or more education produce children with higher achievement than teachers without these credentials."

In the final analysis, I believe, it is within California's grasp to send a clear message to the nation by demonstrating the collective will to turn a failed bilingual education program into one that empowers children. This can be achieved through redirection of funding to English immersion programs that will lead students to knowledge, understanding and independence to achieve English proficiency.

I believe an issue as far-ranging as this deserves to be heard in the fresh air of public debate. Therefore, it would be my honor to testify before your Commission on this matter.

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